

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, July 17, 1990 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
 John Lombardi, Councilman
 Denise Civiletti, Councilwoman
 Victor Prusinowski, Councilman
 James Stark, Councilman

Also Present: Patricia Moore, Town Attorney
 Irene J. Pendzick, Town Clerk

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited .

Supervisor Janoski: "May I have a motion to approve the Board Meeting Minutes of and July 3, 1990.

Resolved, that the Minutes of Regular Board meetings of July 3, 1990 are hereby dispensed and approved without objection.

Moved by Councilman James Stark, Seconded by Councilman Vic Prusinowski.

The vote: Prusinowski, yes, Stark, yes, , Lombardi, yes, Janoski, yes, Civiletti, abstained.

Supervisor Janoski: " Reports."

REPORTS:

Malcolm Pirnie	Update on status of N.Y.S. Water Pollution Control Fund	Filed
Wading River Water Works	Advising that 1990 season is the last for the water works	Filed
Building Department	For the month of June, 1990	Filed
Casilen Association	Response to comments on D.E.I.S.	Filed
Open Bid Report	Water Extension 34C Fox Meadow (see water minutes)	Filed

APPLICATIONS:

Petition	10 Letters opposing 24 hour business operation in Wading River	Filed
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Petition	10 Residents of Wading River oppose 24 hour business operation	Filed
Special Permit	Breslin et. al. for "East End Commons" Rte. 58, Riverhead	Filed
Shows & Exhibitions	Harry Wilkinson for antique car show at Mill Road & Route 58	Filed
Shows & Exhibitions	Elks Lodge #2044 for Duck Festival September 22, 1990.	Filed

CORRESPONDENCE

Chery & David Hegemiller:	Oppose 24 hour business operation in Wading River	Filed
Terry Mills:	Oppose 24 hour business operation in Wading River	Filed
Allene & Richard Carey:	Commending Town Board for their part in the Riverhead Jazz Festival	Filed
Southampton Town:	Notice of Adoption Re: Local Laws #17 and 18, 1990.	Filed
Barbara Trede:	Oppose 24 hour business operation in Wading River.	Filed
John K. Paszkiewicz:	Withdrawing "Maple Tree Estates" from affordable housing list for state funds	Filed
Southold Town:	Notice of public hearing Re: Local Law Re: Accessory Buildings	Filed
Robert Lewis:	Expressing appreciation of N.Y.S. Agriculture & Markets for Town Board support for Polish Town Civic Assoc. Farmers Market	Filed
Stephen Angel:	Advising that his client will start work on floating dock in conformance with permits issued by U.S. Army Corps. of Engineers	Filed

Supervisor Janoski: "The time for the first public hearing has not yet arrived. I'll open the meeting to public comment on any matter. Yes, Sherry."

Sherry Johnson, Manorville: "Several weeks ago you may have read that there was a petition effort on behalf of the Peconic River Corridor in the local newspapers. I would like to take this opportunity to present you with copies of the petitions that Karen Pierzchanowski and I gathered as a result of our four week effort in May and June. The petition states that those who have signed, support the Wild Scenic and Recreational Rivers designation of the Peconic River and that Riverhead's proposed boundary does not include enough of the river corridor to insure it's preservation. There are 730 signatures on the petition. Copies of this petition were mailed to Senator Ken LaValle and to Commissioner Jorling. In addition we also gained the support of 18 national and local environmental and civic groups in opposing Senator LaValle's recent bill which attempted to legislatively alter the Peconic River's designation under the Wild Scenic and Recreational Rivers Act. These groups included the American Rivers, a Washington D.C. based organization, The L. I. Chapter of the Sierra Club, Fresh Water Anglers of Long Island, The Federation of Long Island Sportsman as well as the Pine Barrens Society Committee for Flanders and the North Fork Environmental Council. I would like to give you copies of some of the letters that were sent to Albany and Senator LaValle. I would like you to know that we talked to a lot of people and that we encountered an overwhelming support for protecting the Peconic River. There is a regional recognition of the importance and significance of the Pine Barrens Peconic River, Flanders Peconic Bay Echo System as one system. Everyone agrees that we need to safeguard this entire system. I ask that you rethink your positions on protecting the recreational segment of the river and that instead you direct your energy and resources toward developing the preservation and enhancement program for the river corridor. Thank you."

Supervisor Janoski: "Sherry, let me ask you a couple of questions, because I would suggest to you that you might reconsider your position. How many of the people who signed that petition understand the provisions of the Wild, Scenic Recreational Rivers Act? Because I can sign a petition wanting to protect the Peconic River and I think every member of this Board wants to protect the integrity of the river. But when you come to a provision of law which says that on Main Street in downtown Riverhead you cannot be a doctor, I think that perhaps that it is a little bit too much for us to accept."

Sherry Johnson: "That is not what the law says though."

Supervisor Janoski: "Please Sherry we have people in this room who have made application to the DEC who can buttress my statement that the DEC has said that it is not a permitted use on Main Street in Riverhead."

Sherry Johnson: "Could you give me an example?"

Supervisor Janoski: "Certainly. Doctor Flores."

Sherry Johnson: "He was on Roanoke Avenue and he did receive his permit to expand his business."

Supervisor Janoski: "He got a permit for something that tantamount to a closet. But he was told that that was not a permitted use in that designated area. Mr. Parvis Farahzad who owns a piece of property next to Griffing Hardware wanted to put up a professional building on Main Street in downtown Riverhead and was told by the DEC that that was not a permitted use. I wonder and I ask again, how many people who signed that petition understand the regulatory burden that is being placed on the property owners who own property within a half mile of the river extending up to Route 58? Not very many of them Sherry."

Sherry Johnson: "Yes, we did try to explain it, Mr. Supervisor and we showed them maps that had the exact DEC proposed boundary on it, which does not touch Route 58 in any way, shape or form. It does run through several parcels."

Supervisor Janoski: "Sherry, you are a user of the DEC and you know that there are parcels of property which are in the act which extend to Route 58 and you know what the DEC will say. This part of the property is in the act so all of it's in the act. I've dealt with the DEC. You use the DEC to you advantage very often. So let us not quibble over what they will do. My question to you is: How many people who signed that petition understand that the restrictions that will be placed on the property owners along the river? I think not very many of them. As far as signing a petition it's-----"

Sherry Johnson: "That's your opinion. It's also our opinion that you exaggerate the proposed boundaries too, in stating that it's downtown Riverhead, when it's Grangebelle west, only on the south side of Main Street."

Supervisor Janoski: "Sherry, that happens to be downtown Riverhead."

Sherry Johnson: "Griffing Hardware is no longer included in the proposed boundaries. Also to my knowledge from speaking with people of the DEC that they exempted anybody that was not within their final boundary once they had proposed it."

Supervisor Janoski: "Sherry, I think we are going to disagree on this."

Sherry Johnson: "Yes we probably will."

Supervisor Janoski: "As far as I am concerned, I think that you have done the Town a disservice in gathering this petition. I think you are really a person who is largely responsible for the downturn of the economy of this Town and I hope that someday a light goes off in your head and you become more reasonable."

Sherry Johnson: "I hope the same light goes off in your head."

Supervisor Janoski: "Yes Sherry. But I have more responsibility than you do. You can run around causing all sorts of problems. Who else wishes to be heard at this time? George."

George Schmelzer: "I would like to know how many signatures on that are people who own land within the affected area? Probably from all over the County somewhere. If the lady is so concerned with the river, let her buy some land and pay taxes on it and not be able to use it."

Supervisor Janoski: "We will take an accounting of how many people are residents of the Town? How many people are property owners within the affected area? That certainly has a great deal of bearing on our decisions. Certainly I appreciate that Washington based agencies and the Sierra Club are interested in our Peconic River, but we are the elected members of the Town and we are responsible to the tax payers of the Town. That's what we will do."

George Schmelzer: "Somebody like the Bassmasters. They are interested only in fishing. They don't own any land. They want to use it to the full extent for their own purposes only. Now I'll get down to the nitty gritty. I read in the paper last week Suffolk Life that quoting you, you're suing the DEC on the basis of the compromise resolution."

Supervisor Janoski: "George, it's the first step in our legal action, and it is unfortunate that it's necessary. Several weeks ago, in fact months ago, I traveled to Albany in the company of a number of representatives out of Riverhead met with Commissioner Jorling in the office of Senator LaValle. The purpose of the meeting was in fact to see if we couldn't negotiate a settlement. The Commissioner promised at that time to personally come to Riverhead to inspect the situation and the existing conditions here. He has failed to follow through on that promise. The Board is left with no alternative other than to take legal action to force the DEC to make a decision on the boundaries. I will tell you right now that my position is -- at one time I was willing to compromise, but once we get that boundary decision made that we will as far as I'm concerned, go after the DEC for the entirety of the Rivers Act. Because they have been very faulty in the procedure and they have proceeded in typical DEC fashion."

George Schmelzer: "I don't understand how you can expect to fight them on the whole length of the river when you've got that compromise resolution on record yet? Why don't you get a new resolution out, bring it back to Grumman and from there back to the end of the Town line in Manorville only at the edge of the County owned land or State owned land. Because that is considered a scenic area even though it is full of poison ivy and cat

briers. If you don't do that, you've got no case. I don't understand your purpose. You started this off yourself by going down the river thinking that you were going to make a messiah out of yourself for the Peconic River to protect it from who knows what. The rivers been there dammed up for almost two centuries. Nobody's hurt the river. The river would only be about 10 feet wide if it wasn't for the colonials who put these dams up. So I don't understand what is your purpose for not getting the Town Board to have a new resolution demanding that it be ousted altogether."

Supervisor Janoski: "George, is this going to be one of those meetings after which you ask me, "you're not mad at me are you?"

George Schmelzer: "Well I'm getting mad at you, sure! I don't know the purpose anymore."

Supervisor Janoski: "I don't understand your purpose in wanting these-----"

George Schmelzer: "You look like your double crossing us. Are you acting treacherous? Your double crossing one part of the Town to save another part of the Town. What's going on here?"

Supervisor Janoski: "George, it seems to me-----"

George Schmelzer: "You give me the same answer every time and it means nothing!"

Supervisor Janoski: "Are you finished now."

George Schmelzer: "No! I'm finished for a moment. Let me take a breath."

Supervisor Janoski: "I have gone through this process with you for years and quite frankly I'm tired of going through it. You have your point of view of what this Town Board has done and you're wrong. I think one of these days you should identify whose on your side and who shares your point of view. Because I happen to, as well as other members of this Board. We are working with the State Government which does not really pay too much attention to us. Which is why we find ourselves in this predicament. The Town of Riverhead in conjunction with Brookhaven and Southampton were working on a river study at the time that the State usurped our authority and enacted the Wild, Scenic, Recreation and Rivers Act."

George Schmelzer: "Yes, pardon me, but I know they met in here and I was sitting out there. You put no input in from you. There was no input from you at all on those studies when the committee met here from the three towns! Nothing!"

Supervisor Janoski: "George, you were not present at all of the input from me that they got."

George Schmelzer: "Not at all the sneaky meetings, I wasn't. I can't get into them."

Supervisor Janoski: "Listen, George, there is a line here that you are starting to cross. The original designated area of the River's Act was all the way out to the buoy marker in the bay which I'm sure would make some people very happy if that had been effective."

George Schmelzer: "They got protected didn't they, right back to Peconic Avenue."

Supervisor Janoski: "Yes. It was input from this Supervisor and this Town Board that went and fought to remove that and to back it up to something that was more acceptable."

George Schmelzer: "Why didn't you back it up to Grumman or to Manorville? You can back it up for a certain few, but not for the rest. You're going to sacrifice part of the Town for the rest of the Town!"

Supervisor Janoski: "George, you have very neatly filled up the time necessary to the first public hearing and I wish that you would conclude your remarks."

George Schmelzer: "You haven't given an answer yet. It's the same B.S. all the time. You're going to the State to compromise. You can't compromise with them. Now you're talking about suing them to retract everything. When your resolution doesn't even call for that. To me that's nonsense and a lie. I don't know really what your intention is. That's all I have to say now."

Supervisor Janoski: "Thank you George."

George Schmelzer: "Do you really mean it?"

Supervisor Janoski: "See what I mean? It is now 7:47 and the Clerk will please read the notice of public hearing."

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:45 P.M. on Tuesday, July 17, 1990, to hear all interested persons who wish to be heard regarding THE OVERLAY OF THE REDEVELOPMENT COMMUNITY ZONING USE DISTRICT (ARTICLE XXIV) OF THE TOWN CODE TO THE EXCLUSION OF THE AGRICULTURAL A ZONING USE DISTRICT AND A SPECIAL PERMIT TO ALLOW THE CONSTRUCTION OF 130 UNITS OF MULTI FAMILY AFFORDABLE HOUSING."

PUBLIC HEARING - 7:45 P.M.

Kenneth Auerbach, Esq.: "I'm with the firm of Farrell, Fritz, Caemmerer, Cleary, Barnosky, & Armentano, Esqs. I'm here on behalf of the applicant. Here with me also, I would like to present the team of people we have who have come together and formulated the plan and presentation tonight. Mr. Vincent Farandino, Planner; Perry Elkowitz, Planner; Roger Wilhelm, Velzie Associates who will discuss the sewage treatment plant, Greg Kelsey, Engineer from Sidney Bowne and Fred and Marie Brunz who are also here and are the applicants of Chesterfield Enterprises. They are requesting a rezoning of the approximately 16.2 acre site with a proposal for 130 attached units, 100% affordable. We propose that under affordable by definition that the units will be sold for less than \$120,000.00 which I believe is the perimeters used by the Town. This project started sometime back in 1988. At that time the Town and Mr. Brunz and persons who represented him met and there was support for affordable housing, particularly for this site and this project. There was support from the Town by resolutions for a grant from the State and to the affordable housing programs and he went forward. Then the time came when he was going to need a sewage treatment plant. There a need arose to increase the yield or density for the parcel which came about and required that he apply for 130 units. This is still quite applicable. After proceeding through the environmental there was a finding statement by the Town Board that he present a site plan that would show 82 units. This is about 5 per acre. This has also been a recommendation by the Planning Board. It should also state that although originally there was an intent for the AHC Grants which would have been approximately \$25,000.00 per unit, that has not come about. We certainly hope that those monies through the Town would become available in the future which will obviously assist in lowering the cost of our units, however, we're still prepared to go forward and to build the houses within the affordable guide lines of the Town even without the availability of the grant. We currently have an \$11,000,000.00 commitment from the City Bank. This is a real project and we are ready to move forward. There is a tremendous need in the Town. We have a project to move forward. We are not stuck in any particular problems. Financing is there, we have a sewage treatment plant which we will discuss later and it's available for use and we are ready to move forward with the project. We'd first like to compliment the Town for it's creation of an affordable housing task force. It's prior efforts to promote affordable housing and for it's previous support of this project. We request at this time that the Town look favorably upon implementing the goals of affordable housing and approve our project. We have reviewed the Towns comments from the finding statements and Mr. Farandino will be addressing alternatives that we have which we will present a site plan or plans which reduce the yield from 130 units to 102 units and that's assuming a sewage treatment plant.

I'd like to now request that Mr. Farandino come forward and

he'll address this project from the stand point of his planning and the need for the project. He will also address many of the Planning Board comments made in regard to this project from a Planning prospective."

Vincent Farandino: "Mr. Supervisor, Members of the Town Board, good evening. As Ken mentioned earlier, we have quite a bit to cover tonight in terms of presenting information to you and one of the major parts of my presentation is going to be commentary on the estimated local and regional housing needs and the implications for the Chesterfield Estates Project. As Ken mentioned, my name is Vincent Farandino and I'm president of Farandino Associates which is a multidisciplinary planning firm based in Westchester County. We are experienced in the preparation of comprehensive plans. We prepare and review environmental impact statements and we have been very active in representing both private clients and municipalities in the preparation and review of affordable housing plans. Because the information that I will be presenting this evening includes several figures and projections, with your permission I would like to read my report on housing need and affordability into the record and we left a copy of the entire report and the attachments with the Town Clerk. So if you have no objections I would like to -----"

Kenneth Auerbach, Esq: "Before you started I provided a copy to the Town Clerk and requested that marked as Exhibit 1."

Vincent Farandino: "My discussion of housing need pertains both to need on a regional basis, that is the Nassau - Suffolk County region as well as to the local housing need here in the Town of Riverhead. And the data which I will present this evening is supportive of both the nature and the extent of housing need in the region and again more specifically in this Town.

First I'd like to address regional housing need. The Long Island Regional Planning Board in the housing component of its December 1989 report entitled, Long Island Master Plan To The Year 2010 provides the following information with regard to calculating regional housing needs. First. The number of households in Nassau-Suffolk region in the year 2010 is estimated to be one million, thirty thousand. This will represent a net increase of 57,000 households over 1989 or roughly a 6% increase. Therefore the over all housing need for new units in the region is estimated 57,000 units of which 42,000 will be owner occupied. Again as cited in the Long Island Regional Master Plan, it is assumed that there will be a sufficient supply of luxury housing. However, affordable housing will continue to be in short supply. In terms of affordability of the one million, thirty thousand, total households estimated for the year 2010 about 31% will pay more than 30% of their household income for housing costs. This equates to 320,000 households which will be at risk or beyond the level of affordability. Of these 320,000 households, fully 200,000 are estimated to be owner occupied households, that is homeowners or potential homeowners. Further

of the 320,000 households, 93,000 will be so poor that they should have some type of publicly assisted housing. The remaining 227,000 households will need some form of affordable housing. It is this next figure of 227,000 that we are targeting as our projected overall affordable housing need in the Nassau - Suffolk County region. Looking at these figures from a slightly different prospective and using the aforementioned 31% criteria, of the 57,000 housing units needed or projected for the year 2010 approximately 17,700 of these units will have to be affordable. That is available to people who can pay no more than 30% of their income for housing costs. Of this 17,700 new affordable units needed in the region, 13,020 are projected for owner occupants. I'm stressing owner occupants this evening because as you are aware, our clients project is basically projecting owner occupant housing. Condominium if you will, but owner occupants. So I'm trying to narrow down the figures in the region to the need for owner occupant housing. And while the Long Island Regional Planning Board does not project housing costs per say, or prices or incomes for the year 2010, a current illustration using the current median for the Nassau - Suffolk County Region, I believe, will be helpful in gaging what I call the cost income in balance. The 1989 median income for the region was \$46,500.00. The standard formula for affordability requires that no more than 28% of monthly income should be used for housing costs. Applied to the \$46,500.00 median income a family could afford a \$101,000.00 mortgage, assuming that real estate taxes are \$200.00 per month; a thirty year mortgage at 10% interest and a 20% down payment. And not very many people can afford a 20% down payment by the way. This would translate to a purchase price of \$126,250.00. Slightly above what you have designated here in the Town of Riverhead as the upper limits of your affordable housing purchase prices. In 1989 the average selling price for a used home in Nassau - Suffolk County was approximately \$175,000.00. It actually was \$196,000.00 in Nassau and \$160,000.00 in Suffolk County. The average selling price for a new home in Suffolk County in 1989 was \$193,000.00. Further when one utilizes the latest median income figure for the Town of Riverhead, which is approximately \$33,750.00 and applies the 28% formula, it points to a major housing affordability crisis at the local level. In terms of bedroom size of owner occupied housing units, again the L.I. Regional Planning Board has estimated that between 1989 and the year 2010, of the 760,000 total owner occupied housing units projected, 126,000 units will be two bedroom and 357,000 units will be three bedroom. These represent increases of 8.4% and 5.8% respectively over 1989. The largest increases in an category of bedroom size. In absolute numbers these represent increases of 9,800 two bedroom units and 19,600 three bedroom units over 1989. In terms of both new occupied units needed for the year 2010, both owner occupied and rental, the figures are \$12,000.00 for a two bedroom unit and \$31,966.00 for three bedroom units. Representing 7.76% and 5.8% increases respectively. These are the largest percentage increases in any bedroom size category projected for this period. It is clear from the forgoing that there is increasing regional demand for two and three bedroom

size owner occupied dwelling units.

Now if I can address the regional affordable housing goals. How is the region projecting to meet the need? If as the L. I. Regional Planning Board recommends, a housing goal of 20% of all new construction is to be developed as affordable housing, if this could be attained within the region, at least 12,000 units of affordable housing could be built by the year 2010. Affordable housing can be built, the report points out, if zoning is relaxed to allow higher density and lower minimum square footage requirements. If these constraints were relaxed, then 100% of all new units could be affordable. Further the L. I. Regional Planning Board in it's conclusion to their 1989 report says the key to providing the necessary housing units for this new population is to amend the stereo type suburban view of development of 2000 square foot homes on half acres of property to mixed development which includes the above, but also provides small attached units in areas accessible to downtown services and amenities.

And most importantly there must be affordable housing for all that need it. In the absence of affordable housing the service sector, which will be so important for the maintenance of the senior population, will not be able to live here. Nor will the entry level personnel needed to carry on all the businesses in the region. That's a quote from the L. I. Regional Planning Board. Over the last 10 years there have been at least two jobs created in Suffolk County for every additional person entering the labor force. Therefore the issue of affordable housing must be given high priority so that the labor force will stay and Suffolk's economy will remain strong.

Now turning to the Riverhead local housing need."

Councilwoman Civiletti: "How do you define the region that you are referring to?

Vincent Farandino: "Nassau - Suffolk County. The bi-county region."

Councilwoman Civiletti: "It's the entire bi-county region."

Vincent Farandino: "Yes. I'm using data from the L. I. Regional Planning Board, (A) because it's available and (B) because it's generally accepted. And I want to provide that as the overall prospective and now apply hopefully to the Town of Riverhead.

The Town of Riverhead in its affordable housing task force recommendations defines affordable housing as and I quote: 'Dwellings for purchase at prices from \$75,000.00 to \$120,000.00'. The task force goes on to state that quote: 'Housing in this cost range is affordable to families earning an annual income of \$25,000.00 to \$40,000.00 and that there is a current need for at least 600 units of such housing in the Town of Riverhead'. Within these guidelines the Town's affordability perimeters are similar to those of the region. Further while there is no definitive break down, that is, break down by bedroom

or family size, owner vs. renter units or by income level, in the Town of Riverhead, of the projected 600 units the task force did state that the population in greatest need is the 20 to 36 age group which in 1980 comprised about 30% of the Town's population or roughly 5700 residents. The task force further estimates that 1500 Riverhead residents still need housing today and that 600 affordably priced dwelling units which average roughly two and one half people per dwelling unit are needed to house the estimated 1500 Town residents. Riverhead's current estimated average number of people per dwelling unit figure is 2.48. The highest among the county's east end towns. The housing task force's subcommittee on housing options concluded that the types of housing needed in Riverhead include single family houses, both detached and attached with two bedrooms. Rental units of one to three bedrooms and single family condominium equity townhouses. Of the town's projected need of 600 affordable units, to date only 31 units have been built. These include, as you know, I am sure, the Silverlinings Project, 22 units of single family detached three bedroom units and 9 scattered site Community Development Block Grant funded single family rehabilitated units in the CDBG target area. If the success of other affordable housing projects is any indicator, the need for other similar projects in Riverhead is pronounced. The Silverlining Project, which is one quarter mile west of the proposed Chesterfield site, was advertised in the Riverhead News Review and sold out the first weekend. Another affordable project Whalebone Woods in Easthampton was sold out four months after it's construction. The buyers for these units, all three bedroom units by the way, had to be narrowed down from a pool of 84 applicants.

As I previously stated, the Town of Riverhead has completed only 31 affordable housing units of its 600 unit goal. This equates presently to an approximate 5% achievement level. If the 130 units that is the subject of this rezoning petition could be built, the Town would achieve 21% of it's goal. The Town of Riverhead's intent to meet this goal through it's application to the New York State Affordable Housing Corporation in September, 1989 was supported in the Supervisor's certification of that application which stated in part that the Chesterfield Project and I quote: 'is needed to meet the Town's Affordable Housing needs'. Approval of the subject rezoning petition clearly will be a major step in reaffirming that support in helping to meet regional local housing needs.

I'd like now to briefly turn to a discussion of affordable housing policy and again the regional and local implications of the Chesterfield Project. In relation to affordable housing the Suffolk County Planning Commission has set forth the following thresholds which we believe are applicable to the Town of Riverhead and are being me by the Chesterfield proposal. Given the comments made by the Planning Board with regard to the Final Environmental Impact Statement.

I'd like now to establish basically four thresholds that both the County and the Town have established for affordable housing and then briefly explaining why in my opinion the Chesterfield project is meeting those thresholds.

The first threshold: affordable housing projects should conform and aesthetically integrate with the surrounding neighborhood. The Chesterfield project consists currently of 130 semi-detached town homes which will be sufficiently buffered from surrounding uses and in my opinion it would be a vast improvement over the existing surrounding residential uses. We brought for your attention this evening on several boards around the room various photographs and other graphics that would, I believe, contribute to the understanding of how the Chesterfield Project would meet these threshold criteria. Terry Elkowitz is standing near a graphic of the proposed site and surrounding the site are photos that we took of existing housing units. Just above the proposed site you will see land area and buildings which basically would comprise units affronting on the site. Toward the bottom of the board you also see land and buildings which are directly across the street from the site. Now even though this area is only 40,000 square feet, basically one acre zoning, there are several existing nonconforming uses which we pointed out through photographs. These existing homes are very, very small and they average plot somewhere between 7,000 to 7500 square feet. Many of them are not in very good shape. And we believe that construction of this project and the quality of the project which will be into later in the presentation would certainly be an improvement over what exists in the area. In addition to that we show also photos to the north and south of the site where there would be existing stands of trees which would remain and which we believe would sufficiently buffer the site from other uses. We understand that there is a proposed subdivision to the northeast of the site which awhile it's in a one acre zoning district will be built on two acre lots. We are very sensitive to that and therefore the buffering for this particular project will be sufficient to screen it from that site as well as from the farmland. So in response to the criteria in conforming aesthetically and integrating with the surrounding neighborhood we feel that the Chesterfield Project at the current density really meets that criteria.

The second threshold: affordable housing projects should be accessible to essential services. Such as transportation, schools, shopping and that such site should be ideally located adjacent to downtown areas. Now we've also provided and I hope that the audience and the Town Board can see this map. There may be some problems with glare. The map that Terry has before her is basically a zoning map of the Town of Riverhead. And we superimposed on this overlay the existing bus routes that would service the subject site. The yellow line, as well as three other lines, are fairly convenient to the site. We've had some discussions with the transportation authority about possibly extending the yellow line closer to the site. They've indicated to us that if there is sufficient demand, that is sufficient number of people to utilize the bus lines, they would definitely expand it north. We understand that this might also be some assistance to the Silverlinings Project. To give you some more of a prospective. On the existing map, we show radius lines. There are two radius lines, the first basically being within two miles

of the proposed site and the second line being within three miles of the proposed site. We've established a two mile radius as what we call the primary service area and the three mile radius as a secondary service area. We also show on this zoning map before Terry flips the chart; we also show the existing hamlet boundary. As you can see a portion of the subject site is within the existing hamlet boundaries. So it is definitely in our view part of the hamlet and again is also in keeping with other dictates of the Town Master Plan and other Planning dictates.

This second overlay is a graphic of the various services that would be provided to the subject site. We are showing and the map is keyed; we're showing medical services, we're showing government services, houses of worship, community services and schools. Just very quickly. Schools are basically in the orange tones, community services are basically in the green tones, houses of worship in the sort of reddish tones, you can see government offices in blue, and medical services in a combination of blue and red. As you can see also the bus lines are superimposed to show the access to the services. We also show the rail lines also to the south. So giving you a prospective in terms of public transportation your able to get basically not only to the downtown hamlet area, but to other parts of Suffolk County fairly easily and all services are either within the two to three mile radius. You can flip the chart.

Finally this will superimpose major shopping and other commercial services that are available to the project. There are two basic hubs one to the north and one to the south which is what I call the downtown hamlet. You've got your banking services, you've got other types of conveniences, again, that are within fairly decent distance to the site. Now, granted, one is not able to walk to any of these services, but we are in suburbia and in my view as a planner as long as the basic services are available either through public transportation or at least readily available through automobile then, I believe it meets the basic criteria of location for a multifamily project. Again we are not proposing a low income project whose occupants perhaps would not be as mobile as moderate or middle income people and we are assuming that most people who would be purchasing the units would own automobiles. We wanted to provide this graphic to really address a couple of concerns in the Planning Boards report, and the FEIS findings in terms of the accessibility of the site to public services and the whole issue of whether it's in the issue or not in the hamlet. Just by way of reference, what I call the Town's project or the Town's sponsored project, the so called Silverlinings Project is just to the southwest of the Chesterfield Site. Partially within the hamlet and partially outside of the hamlet. And that project, I believe would meet the same criteria of the proposed Chesterfield site. Thank you.

Just to summarize this point of accessibility. Extensive shopping is located roughly a mile and a half from the proposed site. The Chesterfield site does fall at least partially within the hamlet boundary. Community services are fairly accessible to public transportation. Doctors offices, lawyers and similar

services are within one and a half miles of the site and more specifically Central Suffolk Hospital is roughly within two miles of the subject site.

Kenneth Auerbach: "I would like to submit the photograph board as Exhibit 2 and the Map with Overlay as Exhibit 3."

Vince Farandino: "The third threshold criteria of an affordable housing project should have minimal health and environmental impacts. I would like to point out that the Chesterfield site includes access to Town water through the sites Horton Avenue frontages. And awhile there is absence to Town sewers the developer has agreed to construct a sewage treatment plant thereby eliminating any environmental impact related to solid waste generation. Alternatively the developer may hook into the Town sewer when the sewer moratorium is lifted.

And finally the revised drainage plant for the site meets all the Town and County standards. Now at this point since we are on the issue of sewers and drainage, I would like the consulting engineer for the project, Greg Kelsey, to basically review with you very quickly how the project is meeting the concerns voiced by the Planning Board with respect to drainage and other utility issues. This gentlemen is Greg Kelsey from Sidney Bowne Associates."

Greg Kelsey, Sidney Bowne & Son Consulting Engineers: "I'd like to spend just a few minutes going over some of the drainage items that were identified in both the Final Finding Statement from the Town Board and through information from the Planning Board. Through their recommendations I can walk over here and describe some of this information.

First I have on the bottom sheets is a five foot contour map which is the topographic map, five eastern towns from Suffolk County identifying, this is our site, this is our 16.56 acres and I have what you would consider to be a drainage shed. This is for natural drainage runoff and its area that is off site is indicated by this yellow marking starting at Reeves Avenue and traversing what I would consider a high point in this contour line, down and around and at this point it would just run parallel to Horton Avenue. Of course it would then not include the site. I have this area and I have a blow up on this map on this side the two foot contour map and indicates the size and the area of the project. I have two drainage basins numbered I and II. Roman numerals I and II. This is elevation 26. This is a natural drainage recharge and its existing condition. What I'd like to say is that I have calculated this information. This basic area. Computed what the runoff in contribution to these two drainage basins which in a way are contiguous. They are connected in elevation, but they are of course separated by the project, the property line. This is the Town recharge area on Horton Avenue which was, I believe, a part of the Silverlinings Project in its density, but I know we have had discussions on one of the alternatives using part of this property in our density and drainage calculations through the Final Impact Statement. At this

point I'd like to present it. This project will support a five inch rainfall from this area including what is not built, but is an approved map. Let's see, it's Thistle Downs subdivision which is that two acre parcel, that Mr. Farandino has indicated and the last portion of this Thistle Downs Project. Its drainage is designed because there is a general swale that is shown by this blue line. These blue lines indicate collection areas. The rainfall would run towards this area and then surface runoff would run. It doesn't look like a stream bed out there, but what you have in frost conditions, etc. you might see some running water. At this point I'd like to just mention that the recharge, retention areas of the proposed project to the northeast of us, the Thistle Downs Project will in its completed state totally block off any of the existing runoff from this parcel which is approximately 80% of the total contribution to these two parcels I and II. What I'd like to go through now is demonstrating that the existing drainage of this parcel in its proposed site---- hmmmmmm. Cut it. Okay.

Councilman Prusinowski: "Why don't you tell us about the sewer. Drainage we can look at later."

Greg Kelsy: "Okay. This plan right here is the 130 unit as it is proposed with a recharge basin. This is designed to store the storm water for this whole project site. What we have located right below it is this sewage treatment plant which Roger Wilhelm from Belsey and Western Associates would describe later on in our presentation. The actual treatment of this is sequential batch reactor. The recharge tertiary treatment; the recharge of this will not be in an open air sense as originally designed. It will be in a below ground leaching fields system located where I'm pointing. Approximately 500 feet to the north of proposed treatment plant. This project will serve with public water on Horton Avenue and we will have a RPZ device reduced pressure zoned device and a RPZ device down the south end."

Councilman Vic Prusinowski: "For brevity, basically I think what the Town Board will be asked is and I'll direct the question to you: Are you making provisions to meet all Health Department regulations concerning the effluent from this project, also if the sewer district would become available to you, would you pay for the cost of hooking into the sewer treatment plant? And the capital costs thereof? In other words would you be willing to pay to hook up to our sewage treatment plant, should it become available to you and your providing for off site sewage treatment. Your building a package plant."

Vince Farandino: "We did want to go into some detail about that only because there were several concerns expressed by the Planning Board in their review and the applicant has gone through great pains to meet every comment that they had with respect to drainage.

Let me give you the fourth threshold and I'll be through very, very quickly. An affordable housing project should also

have minimal impact on community services. Now I know there has been concern of the impact of the proposed development on Riverhead School District. Chesterfield has predicted to generate approximately 76 students based upon 130 two and three bedroom units combined. This figure again is derived from a standard model from Rutgers University and is generally accepted in other EIS's including those that have been accepted in this Town. I want to point out that the initial comparison with the Easthampton Whalebone Woods student projections yielded incorrect information. It was some ridiculous projection that came out of the Town of Easthampton where God knows it would be projected something like 250 school children. Upon further investigation and I've included a copy of a memorandum that we put together recently which reflects the conversation we had with the Easthampton housing authority. That information was totally erroneous. Out of the 40 units that were built in Easthampton there were only 32 school children generated total. That's roughly 1.25 students. So we wanted to put that issue to rest. This project at 130 units will not be a large student generator. Just finally on this point. The developer has also agreed to give priority to Riverhead residents for the project in which case there would be no impact on the schools if all of the units were sold to Riverhead residents. Now in terms of other community services impacts. In the EIS it was concluded there would be no adverse or major impact on existing police and fire services. The project will be fully tax paying. We've estimated roughly \$1,800.00 per unit per year. That amounts to something like \$228,000.00 in taxes annually paid to the Town which would more than offset any community services that would have to be provided as a result of the project. In emphasizing the need for affordable housing, again, the Riverhead Affordable Housing Task Force recommended in its March 1988 report that leniency be granted to applicants with respect density, sewer and water requirements and developer costs. The task force perhaps recognizing the ambiguities of the existing RDC floating zone, recommended the creation of a new affordable housing floating zone with criteria established to reflect the above referenced flexibility standards. The L. I. Regional Planning Board also recommends the relaxing of zoning codes to permit higher densities which would facilitate the building of 12,000 affordable new units by the year 2010. The Riverhead Master Plan dated 1973 indicates that densities of up to 10 units per acre may be considered an appropriate central hamlet locations where quote, 'the opportunity exists to implement the basic planning goal of providing adequate housing for low income families.' Given the date of the Master Plan we can reasonably assume that the intent of the term "low income" in 1973 would extend to the term affordable today. Furthermore the plan states that if economic feasibility supports cluster development at increased densities then local sewage and water systems will be established.

Now Chesterfield is really not asking for any consideration on the provision of public services, community services, utility services. As Mr. Kelsey mentioned to you, we are proposing to

either hook into the sewer district or to build a sewage treatment plant whichever happens to be available when the project goes into construction. All on and off site improvements will be constructed by the developer. No tax abatement is being requested. The project will carry itself. The only thing that is being asked and this comes under the floating zone is the increase in density from the existing one unit per 40,000 per square foot density.

I'd like to conclude very briefly by saying; given the history of this project which dates back to 1988 and given the regional and local housing need as defined by this government, your local government and the L. I. Regional Planning Board and given the regional and local affordable housing goals and suggested implementation mechanisms as outlined in my report this evening, it would seem that the Town of Riverhead would be in favor of the subject rezoning petition. As will be pointed out by my colleagues and has been pointed out already this evening, the subject application, we believe has addressed all of the concerns expressed by the Riverhead Planning Board, and the Town Board and its FEIS findings. We believe the proposal represents an affirmative step to meet local and regional housing needs. On these basis we would urge you to approve the subject rezoning and special permit petitions. Now there is one other issue which Mr. Auerbach alluded to earlier and that is even though the petition is requesting 130 units as a maximum, we would like to suggest this evening an alternative of 102 units. And we would like to very, very briefly go into that now giving you the rational for it and answer any questions that you may have on this proposed 102 unit plan."

Councilman Prusinowski: "You said earlier that you were willing to proceed even though a state grant might not be approved."

Ken Auerbach: "That is correct. We are proceeding on the assumption that there will not be a state grant."

Councilman Vic Prusinowski: "And the unit prices are what? \$100,000.00?"

Ken Auerbach: "The prices will be less than \$120,000.00."

Councilman Vic Prusinowski: "Less than \$120,000.00."

Ken Auerbach: "Can I mention before Mr. Kelsey starts the reason, particular reason that we require one hundred or more units, we are proposing 102 units is that Suffolk County Department of Health Services requires a minimum of 100 or in excess of 100 units in order for them to accept a sewage treatment plant. And so therefor we require for our purposes more than one hundred units on the site. I believe that the treatment plant, as we will testify to later, will solve any environmental problems which may be associated with sewage."

(Time is 8:34 P.M.)

Greg Kelsey: "This is the 130 unit on your left. The 102 proposal with the treatment plant, recharge basin all the amenities of the 130 unit. The same type of construction, these are duplex units, attached housing. There was a little bit of a change in the design. We just show the units step forward and step back is really the only concern. We show internal road network. We show drainage collections as per the Town of Riverhead Code or specs. Sewage collection down to the treatment plant with a proposed, or I should say, this is a forced main for future connections to the Town of Riverhead Sewage Treatment Plant. We have street lighting and of course all of your amenities as per the Town. Sewage treatment plant discharges up in the north end. We would provide adequate buffers along ---this is basically an existing wooded area. And we would provide RDC regulated screened fencing all along the proposed boundaries."

Councilman Prusinowski: "Between the two projects, what's the difference in the bedrooms?"

Ken Auerbach: "Between the 130 and the 102?"

Councilman Prusinowski: "Yes."

Ken Auerbach: "Can I briefly say that I believe that we have provided. We are going to be mostly addressing as we have our density issue, or the yield on the site plans we are actually showing three site plans for 102 units. One is an attached unit project. We also show a 102 units which are single family detached units with zero lockline and we are also showing, I think we have a preference ourselves to a mixed unit project in which the dwelling units to the north are closest to the MacNamara proposed project are single family detached and that you find an increasing density attached units as you go to the south and closer to where you have a greater need for the higher density. So we are showing a transition from a low density in the MacNamara and we are increasing as we go southerly and we believe that that provides a proper transition along with the buffering which we showed in the photographs. Perhaps Mr. Kelsey, just briefly can show each one of those 102 unit proposals."

Greg Kelsey: "This is the 102 units zero lot line concept and its been used in the Town of Brookhaven for an approved project that has received some outstanding awards. What we have here is the units are hatched and what the property would be that each unit would own is indicated. You would normally have this building which could float around within this property and we would do that at an architectural design phase for concept at this point. I would just like to indicate that there are 102 units. We provide all the amenities. You would have a building at a 10 foot set back and a 15 foot rear yard set back again within these units. This would be a realty subdivision where meets and bounds descriptions of these lots would be indicated and again

102 units scattered around. This project would need a 30 rear yard variance as so would the 130. A rear yard variance for the total site because RDC District requires 60 foot rear yard. The next plan is a mix. What you have is 60 units in their original attached units format on the southerly end of the project and on the north end are these zero lot line configurations with a little bit less area developed. There is a little bit more of buffer up here against that MacNamara parcel for a two acre lots. Again all the amenities are maintained, drainage, water. Of course there is the original design. One hundred and two, I should say original, but it's more of the detached units that you saw this briefly before with the treatment plant, etc."

Councilman Prusinowski: "I guess my question wasn't clear. I'll make it clear now. The total square buildings square footage on the 130 units is it the same as the 102 units? Just larger units?"

Vince Farandino: "No."

Councilman Prusinowski: "Is there a reduction in the square buildable living area that you propose for 130 units or is it the same-----"

Vince Farandino: "No they propose that the three bedroom will be approximately 1300 square foot, the two bedroom 1000."

Councilman Prusinowski: "The total square footage of the entire 130 units."

Vince Farandino: Clearly there is a reduction in the size of the total square footage between 130 and 102 it would be whatever, take the 28 and the size of the units are not increasing."

Councilman Prusinowski: "Okay. That answers my question."

Vince Farandino: "If I can just point out in response to the Councilman's initial question on bedroom breakdown. I'd like to compare the 102 units with the 130. The 130 unit proposal had 100 three bedroom units and 30 two bedroom units. And that generated a total of 76 school children. The current 102 unit proposal has 50 three bedroom units and 52 two bedroom units and that generates approximately 44 school children. So the major difference really in terms of bedroom generation between the 130 alternative and the 102 is that we are simply decreasing the three bedroom units by half. That is again in terms of compromise in trying to meet the needs of the town, in trying to meet the needs of the area, more particularly the transition from two acre to the one acre. We just feel that 102 unit design is much better. Again the threshold is 100 units because of the sewage treatment plant. That's what the magic of the 100 or 102 is. We need that threshold of 100 units in order to really service the plant and get the permission of the county."

Councilman Prusinowski: "And at 102 units you can sell them for under \$120,000.00 per unit?"

Vince Farandino: "Yes. These of course are modular construction as you know and there are some cost savings in modular construction, but our best estimate at this time if the project were built in the next 10 to 12 months that those numbers could hold. Obviously if it goes beyond that period the prices go up like everything else, but right now our best estimate is less than \$120,000.00. We are fairly confident that we can meet those numbers."

Councilwoman Civiletti: "Is each of the alternatives that you have described tonight, identified and described in the environmental impact statement?"

Vince Farandino: "No."

Denise Civiletti: "Which ones are not?"

Vince Farandino: "Which ones are not?"

Denise Civiletti: "The 102 is-----"

Vince Farandino: "The 102 is quite frankly is something that evolved in the last three weeks as the professionals basically sat around the table, looked at all of the documentation that was supplied by the Town of Riverhead and concluded that this would be a reasonable compromise that would be acceptable to us and hopefully the Town. It was not included in the original environmental impact statement."

Ken Auerbach: "During the environmental process there were no requests for alternate developments other than meeting the one acre zoning so that the finding statement from the Town Board in which it indicated that point to show a site plan with 82 units was somewhat questionable in that it was not based upon any plan which had previously been submitted. This 102 unit takes into account the desire of the Town Board to reduce the yield, but also meets our minimum requirement to be able to construct a sewage treatment plant which the County of Suffolk would be willing to approve."

Vince Farandino: "One more point of information. The 130 unit yield is roughly 7.8 units to the acre. The proposed 102 is 6.1 units to the acre. That's a little bit closer to the five units to the acre in the RDC. It's not quite that, but it's much closer and we think it's a reasonable proposal."

Councilman Prusinowski: "The SEQRA document contained the 130 unit project."

Denise Civiletti: "Who would operate the sewage treatment plant?"

Roger Wilhelm, Vice President of Belsy Western: "We are probably the largest nation wide environmental consulting firm on Long Island and we would operate the waste water treatment plant. We would provide a guarantee with the operation and we would bond that guarantee. Any other questions?"

Ken Auerbach: "I believe that responds to a concern also what would happen in the event of a failure of the plant by the persons who are operating it. I believe what Mr. Wilhelm has just stated would guarantee that the plant would operate properly and it's ownership would be in good hands."

Time 8:45 P.M.

Vince Farandino: "That concludes our presentation. Are there any questions from the Board?"

Warren McKnight, Wading River: "Mr. Farandino, I have a question in reference to your mean income of \$33,750.00. I want to ask how recent that was? Did you check the Department of Labor? Did you include the 300 people in Riverhead that have been laid off since December 15th from Hazeltine and Riverhead Savings Bank? Have you taken in the people that have been laid off from the County Center? Other people have been laid off from the Riverhead School District? Have you taken care of the number of people who are unemployed in Riverhead? Number of people on public assistance? And the number of people who have dropped out?"

Vince Farandino: "In response to this gentleman's questions, we did not take all of those activities into consideration and we were basically using numbers provided by the L. I. Regional Planning Board. These are 1989 figures and we tried to make a comparison between the regional median of \$46,500.00 and the local median of \$33,750.00. It is probably not a very scientific number. It's all based upon projections. It is probably a little lower than that actually. But again the presentation was made for purposes of comparison. We should very well take these things into consideration. The numbers would be much lower."

Warren McKnight: "Newsday, I might comment, I don't know how accurate their figures are, but they said that roughly speaking about \$28,000.00. Correct me if I'm wrong, but when I bought a house I had whatever my salary was multiplied by 3 times. I don't know how many people make \$28,000.00 in Riverhead. But if you did make \$28,000.00 then the house would have to cost them about \$84,000.00. Is that correct? Are these houses really affordable and to how many people in Riverhead? That is the question I would really like to ask. Could somebody answer that question? How many people out of 22,000 people in Riverhead can afford to buy these houses? And how many people between the ages of 20 and 30-36 earn enough money to purchase a house at \$84,000.00 or \$120,000.00?"

Supervisor Janoski: "Obviously Warren a project such as this is not a low income project. It is going to be available to people who have a reasonable income or a family, maybe husband and wife, making enough money to go out and get a mortgage to be able to afford a home that comes in over \$100,000.00, which is identified obviously as being affordable. Now I hate that word. Because a \$300,000.00 house is affordable if you have enough money to make the payments on that. But, obviously this addresses a segment of the need in the Town of Riverhead. Is it going to take care of the person that has an \$18,000.00 a year job? No and I don't know of any project that would. A person making that kind of income simply cannot get a mortgage. It addresses a certain need in the community and why am I answering the question for you?"

Warren McKnight: "What's affordable?"

Vince Farandino: "Just by way of reference about a year ago, Fred Brunz, applied to the Town. He was talking about building units that would sell for \$75,000.00 and \$65,000.00 with the state subsidy of course, a \$30,000.00 state subsidy. That grant is no longer available. So therefore that \$30,000.00 cushion, if you will, is no longer available. That's where we are this evening talking to you about a density that goes beyond the \$82,000.00 at \$102,000.00 not \$130,000.00 in order to keep the prices below \$120,000.00. We are in agreement with this gentleman that there is a need that goes on beyond affordability. The question is how does one provide that and the fact that there are no federal subsidies any longer to meet the needs of people who fall within the \$18,000.00 with a \$10,000.00 to \$25,000.00 income range. Again as the Supervisor pointed out, this project is not a cure-all. It is meant to address a certain segment of the population, hopefully those making under \$40,000.00 a year, who will be able to a unit of less than \$120,000.00."

Councilman Prusinowski: "A family income."

Eloise Langhorne, Riverhead: "How is this going to affect Horton Avenue? Because we got certified letters. This is what I want to know."

Supervisor Janoski: "In what ways?"

Ken Auerbach: "She's an affected property owner."

Councilwoman Civiletti: "What in particular are you interested in?"

Eloise Langhorne: "Nothing is going to change?"

Supervisor Janoski: "To your property?"

Eloise Langhorne: "We hear some rumors that ummmmm. They were around taking pictures of our homes and somebody asked how come?"

Supervisor Janoski: "That was to show us what the area looked like."

Eloise Langhorne: "But I thought that somebody said it was a poor area or did I misunderstand."

Councilwoman Civiletti: "They are asking for a change in zone that would allow them to build somewhere between 100 and 130 attached housing units on this property that is near Horton Avenue."

Eloise Langhorne: "Oh. But it's not going to affect it any kind of way."

Councilwoman Civiletti: "Well that's a matter of opinion. Taxes. There are a lot of issues that they have been trying to discuss all night here and whether or not-----"

Eloise Langhorne: "You know a lot of these words, if they could just say in English where I could understand."

Councilwoman Civiletti: "I know. I know."

Supervisor Janoski: "Well they talked about how many children they project that could come from the project. Certainly that has an impact on taxes under their 102 unit scheme. I believe they mentioned something about 40 some children. Whether that would dramatically impact the taxes, that one project. You would be left to draw your own conclusions. Certainly I think at this time it is 40 something times \$7,000.00 and that's what it would cost. But how that filters in to the entire financing scheme is something that you can determine. If it were there and they might want to progress it do to property values. What do you think that impact would do to the property values in the surrounding neighborhood."

Vince Farandino: "You would think that the proposed units would have a positive impact on the area. In that the project would be designed that it doesn't intrude on the existing houses. As I mentioned earlier, what side of Horton Avenue do you live on? The east side. The right side as you are heading north? East side. Are you Mrs. Langhorne?"

Eloise Langhorne: "Yes, I am."

Vince Farandino: "Mrs. Langhorne, I believe, lives in one of the houses that fronts on the project itself. So in terms of how it would affect your home and your neighbors, there would be sufficient, what we call buffering or trees between your back yard and where the actual project begins."

Councilwoman Civiletti: "How much in terms of feet?"

Greg Kelsey: "Through the RDC district, through the zoning application, we are looking for a 6 ft. chain link fence which is a buffer and also there is 10 ft. that has to be planted. Then we will be looking more towards another 10 feet of a berm, raised ground for a couple of feet, maybe 2 or 3 feet higher in elevation and planting along it. There are different plans right now. It's still in its concept phase. But we would provide adequate buffer."

Councilman Lombardi: "Your talking about a or 25 foot buffer?"

Greg Kelsey: "Yes, 20 to 25 foot buffer."

Councilwoman Civiletti: "And a six foot chain link fence."

Greg Kelsey: "That's standard. Through the zoning application."

Vince Farandino: "The runoff and drainage problems as Greg mentioned earlier. There will be preventive measures designed into the site so that there won't runoff onto your property in terms of flooding. There will be more people in the area. Hopefully, 102 units, there will be more people in the area. There's only one access going into the site. So people have to enter and leave the site from one access. So you really won't have as much traffic as you would have if there were two points of access. In terms of the units themselves. Mr. Brunz has built similar units in Easthampton in Whalebone Woods and there was some concern voiced when that project was being built about the effect on the neighborhood. I think now everyone is basically saying that the project is a major success and the neighbors really had no problems with the design. It fits in with the neighborhood. This project will fit into the neighborhood. We have given the Town tonight three alternative designs. A mixed design, a zero lot line and a townhouse configuration and there will be some more negotiation hopefully with the Town to come up with the best design and the intent is to make these units fit in with the existing area. We would hope that the project would be an upgrading of the area and that the units when they are sold, even at \$120,000.00 or less would be at or comparable or more in value to the existing units and hopefully that will help to raise the value of your homes. So we would hope that the project would have a positive effect on your neighborhood."

Eloise Langhorne: "Thank you."

Supervisor Janoski: "Thank you, Mrs. Langhorne. Is there anyone else who wishes to address the Town Board."

Steve Haizlip, Calverton: "On this 102 units that you are proposing on 16 acres. If I recall correctly the request has come up for condominiums, buildings, houses, etc. and that had to be 16% open land space. Is that provided in this proposed project?"

I've got people right hear in this room that have all heard that and even Mr. Prusinowski knows that I came up and spoke for a lady in Jamesport and she was asking why can't she use all of it. And they said, no, that's the law. You can't use all of it. You've got to leave so much for open space and if I remember I think the figure was something like 16%."

Supervisor Janoski: "I think you have it reversed. Certain codes call out the maximum lot coverage which in a number of our zones is 17% business zones and I think that is what you are remembering Steve. It's the reverse of what you are saying. Not how much open space you leave, but how much the maximum coverage is on the lot. Business "B" for example in the Town of Riverhead permits coverage of a piece of property with the building up to 17%."

Steve Haizlip: "Okay. Maybe I'm not remembering correctly, but you want a district held aside for little parks and trees and benches, etc. You want a little open space so that the people can promenade around and have somewhere to go."

Supervisor Janoski: "Fred, does your engineer have a calculation of how much ----what percentage-----"

Kenneth Auerbach: "Yes, I do. They are building on 6.16 acres out of the 16 acres. The actual structures will be 6.16 out of the 16 acres."

Steve Haizlip: "I'm sorry I didn't hear what was said. I thought you were addressing the Supervisor."

Vic Prusinowski: "Steve, out of the 16 acres they are going to build on 6.16 acres. Less than a third."

Steve Haizlip: "During this gentlemen's presentation, I've heard three figures for schools, 32, 40 and 44 students. It changes. Then I heard twice it's 126,000, 102,000 and now 120,000. The reason that I'm bringing it up. They are making it sound like it's not going to have any impact on the school system."

Supervisor Janoski: "I don't think they said that Steve. I heard the numbers projected based on the number of units which contain a number of bedrooms. They didn't say there wasn't going to be an impact. They said this is what we project would be the number of students coming from this project, 44 in the case of 102 units or something like that."

Steve Haizlip: "But then I heard 32 and 40."

Supervisor Janoski: "I don't remember saying 32. When was 32 considered."

Vic Prusinowski: "That was Easthampton."

Steve Haizlip: "What I'm leading up to here is anytime that you get over 20 students in a class; that is going to cost some money. Because you need separate teachers, etc. The main thing is Mr. Suprina and the politicians involved in that school, their salaries really go up. I'm just bringing that up. It will come within this project and any other project in the Town. Thank you Joe."

Supervisor Janoski: "Thank you Steve. Is there anyone else present wishing to address the Town Board in the matter of this application for a change of zone. George, and I'm telling you George, no messing around. Ask your questions, make your statement and be right to the point."

George Schmelzer, Calverton: "What is meant by affordable housing? What price?"

Supervisor Janoski: "George, the housing task force of the Town of Riverhead identified housing between \$75,000.00 and \$120,000.00 as affordable in the Town of Riverhead."

George Schmelzer: "To everybody or to certain-----"

Supervisor Janoski: "Well George, you've heard me say that the term affordable is not a very good one. Because George, you and I both know that you can go out tomorrow and buy a \$500,000.00 house. I cant. What's affordable to you is not affordable to me."

George Schmelzer: "Only if you sell it to me for five. That's the only way I could do it."

Supervisor Janoski: "Would you please repeat the income perimeters that were in your projection? The family income?"

Vincent Farandino: "Again citing the affordable housing task force between \$25,000.00 and \$40,000.0. If we are going to be selling units at less than \$120,000.00 than someone would have to make an income somewhere in the \$35,000.00 to \$38,000.00 range to afford that. Very roughly speaking."

Supervisor Janoski: "George, does that answer your question?"

George Schmelzer: "What happened to the people that make \$6.00 per hour?"

Supervisor Janoski: "George, we've already addressed that. If you make \$6.00 per hour, you can't afford to buy a house."

George Schmelzer: "You can't afford to rent one either. So your stuck. People are stuck all of the time."

Supervisor Janoski: You haven't made \$6.00 an hour since 1936."

George Schmelzer: "I didn't make \$6.00 a week."

Supervisor Janoski: "Thank you George. Mr. Brunz, if you would step forward please. Mr. Brunz, the name of your Company is Chesterfield Enterprises. You are not Chesterfield Associates?"

Fred Brunz: "No, I am not."

Supervisor Janoski: "You did not contribute under the name of Chesterfield Associates to my campaign in the last election?"

Fred Brunz: "No I did not."

Supervisor Janoski: "Thank you. My friends made it their business to call in the local papers to indicate that that was the case. I wanted to place that on the record, that you are not the Chesterfield Associates who did in fact contribute to my campaign. Chesterfield Enterprises is altogether different entity."

Councilwoman Civiletti: "What formula did you use to arrive at the number of school aged children calculation? Is the number that you just gave us the number that would be expected on the initial occupancy of the development? So, first the formula. Is that overall, long-term or initial? How did you arrive at the number 44?"

Vince Farandino: "The 44 is school children. That's based upon the Rutgers University----"

Councilwoman Civiletti: "Which is what?"

Terry Elkowitz: "Rutgers model that has been used and accepted by this Board and other DEIS'S uses .17 as a factor for children in a two bedroom unit and .71 as a factor for children in three bedroom units. It is simple multiplication and that is how."

Councilwoman Civiletti: "So for every two bedroom unit you can expect .17 children and for every three bedroom unit you can expect .71?"

Terry Elkowitz: "Yes and that's the Rutgers Model."

Councilwoman Civiletti: "And that number that you have arrived at that is what you might expect for initial occupancy?"

Terry Elkowitz: "At full occupancy, yes, that is what you would expect. If it's not over 10 years, that is what you would expect. Just full occupancy. That's how the model works."

Rob Goldman, North Fork Environmental Council: "In a conversation that I had with the Suffolk County Planning Dept. on the 18th of May concerning school age projection. I spoke with one of the staffers there and they consider the Rutgers Formula as a very low multiplier and there was some recent study in Riverhead that showed a generation of 1.4 to 1.8 children from projects like this. That's just on initial occupancy. We are talking about, "family housing". Unless there is going to be some kind of sterilization covenant, we can expect that they will be more children out of there within a ten year period."

Councilwoman Civiletti: "Who studied that?"

Rob Goldman: "This is from the Suffolk County Planning Department. They did their own study. A study from the 1980 census, Riverhead blocks and children under 18 years 1.4 to 1.8."

Terry Elkowitz: "May I just answer this? I also called the L. I. Regional Planning Board because I am not thrilled with the Rutgers Model either. I asked them to look up there data. I spoke with Roy Fedelman of the L.I. Regional Planning Board and he said that they use .4 children per condominium unit for projections. So .4 times 102 is roughly 40 units. And if Mr. Goldman would like to refute it, I would like to know who he spoke to and if we are talking about condominiums?"

Supervisor Janoski: "This is not the place for an argument between you two, but -----"

Vince Farandino: "The only other point that we would like to make is that we would fairly provide for a preference to current Riverhead residents which would help to alleviate any concern about an increase in school enrollment."

Supervisor Janoski: "One of the areas of concern and I will ask Mr. Brunz if he would be willing to place of a covenant and restriction, that the housing units must always be owner occupied."

Fred Brunz: "Yes. Definitely. There is no question about that."

Marie Trent: " I'm concerned about the sewage treatment plant since I'm not familiar with it. I would like to know if there would be an odor coming from the sewage treatment plant? What type of building is going to be there?"

Roger Wilhelm: "The answer to your question is the entire waste water treatment plant will be enclosed in a building. Any odors from the treatment plant that are generated will be treated by an odor treatment system prior to any air being discharged from the building itself. The building will be designed to blend in with the other structures on the site so that it will look similar to some to the units on the site. If and when the

treatment plant is taken out of service, it is designed in a modular fashion so that each of the units in the treatment plant can be removed from the structure and at that time the structure can be converted to another use. Maybe a community center, whatever. The building and structure associated will also have emergency power connected to it so that it can be used as an emergency center if in the case of a catastrophe of some kind."

Marie Trent: "Is there going to be any recreation area for the children or a park included in that drawing?"

Fred Brunz: "I just would like to clarify something. We have amenities placed on the site for the people which will be a tennis court, a playground for the children and a possible basketball court. We have to see how the final plan is, but we are providing the services for the people there so that they will have recreation.:"

Supervisor Janoski: "Thank you. Is there anyone else wishing to address the Town Board in the matter of the application for change of zone."

George Trent, Horton Ave., Riverhead; "I've been there for 34 years and I've been having water trouble off and on ever since then. And I guess some people are still having water trouble. So I don't want them to build anything that is going to dump more water on us. Because we have a headache with water. That is all I want to say."

Supervisor Janoski: "Is there anyone else wishing to address the Board in the matter of this change of zone application. That being the case and without objection, I declare this hearing to be closed. We are going to take a short break while the props are changed by the next very interesting public hearing."

R E C E S S AT 9:11 P.M.

RECONVENE AT 9:19 P.M.

Supervisor Janoski: "We have a great number of very interesting public hearings this evening and we do want to get into them. Many people are here to speak at specific public hearings so let us not delay. The rules do not require a quorum of the Board to have a hearing and that there is a record kept, but I would urge the missing Members of the Board to join us as soon as possible. Let the record show that the hour of 9:19 P.M. has arrived and the Town Clerk will please read the notice of public hearing."

PUBLIC HEARING 7:55 P.M.

Irene J. Pendzick, Town Clerk: "I have affidavits of publishing and posting for a Public Notice for a Public Hearing

to be held in the Riverhead Town Hall at 7:55 P.M. on Tuesday, July 17th, 1990 to hear all interested persons who wish to be heard regarding **THE CHANGE OF ZONE APPLICATION OF OLIN WARNER FROM INDUSTRIAL "A" TO RECREATIONAL DISTRICT AT PROPERTY ON RIVER ROAD IN CALVERTON.**"

Supervisor Janoski: "Thank you. Mr. Danowski are you representing the applicant?"

Peter Danowski, Esq. "I am. Mr. Warner is in the room however. I don't know if I should wait for the other Board Members to be present. (All present) This is an application for Olin Warner to overlay a recreational zone on property that zoned for industrial uses now. Just a brief comment for the audience to follow up to the earlier conversations regarding river regulations, the law suit, George Schmelzer's comments and some identification of what happens with the DEC. Mr. Warner has owned this property prior to he, his father owned it since 1927. He pays taxes approximately \$10,000.00 per year on the property. He has tried to keep a few ducks walking around to keep a nonconforming use on site. But quite frankly he is willing to say very publicly, he is not a man of means and he doesn't have the money to pay for a lot of fancy reports and we have really run into a dead end and hit the wall with the DEC. This application qualifies under a Town Ordinance that says in essence since we are along the Peconic River, that we qualify for an overlay zone in conjunction with the existing industrial zone. We originally started speaking to the old Town Board back in 1988, September of '88 about this project. I, for one, asked the Board then to not support a moratorium, to withdraw support for a moratorium, to sue the DEC, to not take a compromise position with regard to the boundary line. This is an application that I appeared before the Planning Board on and of which I have the Planning Board's support. Mr. Hanley who has been here tonight would verify that fact. What it merely does is put the zoning in place. If you recall, those Board Members who were here last year for sure would recall, this Town eliminated residences in the industrial zone. The DEC prohibits industrial uses in the river regulations. In essence my client has been condemned. I went the first route and filed an application to the DEC. I heard back from both Mr. Thurber and Mr. Profus. I don't want to bore you, but you could understand what their comments were and I've provided their comments to the Town. In essence you are not going to be allowed to do an industrial use on this property per the comments from the DEC. As a result of that, I've taken the other tact with this application, I've asked you to permit residences on this particular piece of property. Under the river regulations, subject to a lot of expensive reports and permits there is the possibility of up to 15 duplex units on this of property. This zoning would be just the beginning step. We would still have to go through a lot more steps after this. With that said, I'll sit down and just make any remarks to the people who make comment."

Rob Goldman, NFEC: "Speaking for the council. I'll read quickly. North Fork Environmental Council is not opposed to this request for a change of zone per say from industrial "A" to recreational district. Manufacturing or warehousing despite being allowed in the particular section of the Wild, Scenic and Recreational River Regulation are inappropriate uses for this subject property. Totally inappropriate. However, we question the process whereby the Town Board adopted Resolution #255 which determine that the change of zone would not have a significant impact on the environment and would not require an environmental impact statement. This resolution seems to supersede, although it does not specifically rescind resolution #594 of 1989 which determined that the exact same change of zone petition would have a significant impact on the environment and would require an environmental impact statement. From a review of the Planning Departments and the Town Boards files we note the following: (1) Sometime before April 30, 1989 the applicant put in for a DEC fresh water wetlands permit and or a Wild, Scenic and Recreational Rivers Permit for an industrial complex. The DEC rejected the application. Accompanying this application was a long form Environmental Assessment Form. (2) On the 25th of May of 1989 the applicant submitted a petition to the Town Board for a change of zone from industrial "A" to recreational. (3) In a memo to Rick Hanley dated the 24th of August, Town Environmental Planner, Joe Hall, states that a change of zone petition was received attached to which was a 30 unit residential site sketch and a full EAF which itself was "merely a copy of that provided for the industrial complex". Hall further states that this EAF is clearly inaccurate and that a declaration of significance should be issued and a limited scoping hearing held. (4) The positive declaration was issued on the 15th of August which is 9 days before the communication from Joe Hall to Rick Hanley. That's strange. On the 9th of March, Mr. Danowski writing to the Town Board requested a negative declaration on the change of zone petition because the client now wanted to do a residential project which "is more restrictive than industrial" whatever that means. (6) The Board passed resolution #255, the negative declaration on the 17th of April in 1990 and then the Board received a letter from Mr. Danowski in June decrying the DEC's alleged indifference to acquiring the site under the Environmental Quality Bond Act. The paper trail on this change of zone has got more twists and turns than the river itself. Why wasn't the applicant told to resubmit the correct EAF back in August of 1989? Why was the positive declaration given before the Board received the Planning Departments comments on the 24th of August? Where is the Planning Departments comments to the Board in regards to the potential environmental impacts of the "new 30 unit residential scheme"? How can the Board make a decision that 30 units on the edge of the Peconic River will not have a significant environmental impact? What's the difference whether the applicant was going for industrial use or for residential or for anything else? SEQRA requires that the lead agency take a hard look at the action, not make a specious comparison between something that could be done and something that couldn't be done

anyway. Once again it appears that the Board is playing fast and loose with SEQRA. In this case it may work out all right in the very end in as much as the industrial use is inappropriate for the site and the DEC is interested in acquiring the property under the new 1991 Environmental Quality Bond Act. We have been in discussion with them about this. Mr. Danowski's letter to the contrary notwithstanding. We urge the Board to allow the change of zone only if resolution #255 is rescinded and a positive declaration is made on this action."

Supervisor Janoski: "Is there anyone else wishing to address the Board?"

George Schmelzer, Calverton: "Pollution, now ducks were raised there for over 70 years starting during the first war, maybe in 1916. Fred Howell, who is now dead, sold it to Warner about in 1927. Anyway, these environmental kooks kicked about the ducks and how they are polluting. I think they are against human beings. I don't see anything wrong with Mr. Warner's proposal, whatever he wants to propose to do. Industry or recreation or houses or whatever. That's his land and he should be able to use it gainfully. They don't want him to use it for ducks and so he can use it for something else or maybe these environmentalists would like to buy it, sit on it, look at it and pay taxes on it. I was speaking to an engineer a few months ago. He says that he was working on a job upstate about 10 years ago in a new power house and the environmental opposition was terrific. They investigated and found out that some of that money was coming from Eastern Europe. East Germany, which means Soviet. So think what if the Soviets got a hold of these environmental kooks, mess up the Country on the inside and we will lose all of our powerhouses and destroy a lot of industry and the Country is weak and the Soviets will laugh. So let Mr. Warner do what he wants with it. You shouldn't destroy his right to his property. He can't afford to pay taxes and not use it. Give him what he wants."

Steve Haizlip, Calverton: "When the session was open to anyone wishing to speak time ran out. Now this is very appropriate to get in what I want to get in. I have to agree with Mr. Schmelzer about these DEC people. And I'm also going to comment on you for suing them. The DEC Commissioner and his associates have taken the stance of high and mighty. We will preach, dictate to you and you are going to listen. And we don't care about your hardships or where you get the money, but we are in power and we are going to rule. So the man did not have enough courtesy to come and talk with you, come down here, invite us citizens around to talk with him and listen. I don't think much of him. Go ahead and sue him. Get him down to a reasonable level to deal with people and hardship people and Mr. Warner if he can gain something out of this, I'm for it."

Supervisor Janoski: "Is there anyone else present wishing to address the Board on this application for a change of zone? Peter are you finished?"

Peter Danowski, Esq. "Only a comment to Mr. Goldman. The only part that is totally accurate as far as reflecting the reasoning behind the situation here is that we did submit a long form of environmental assessment form together with the permitting process to the DEC. That met with the reaction that Mr. Goldman also indicated came from the DEC which was, I believe, four page report in request for detailed documents that probably only a millionaire could afford. Beyond that, Mr. Warner then took the different tact that I've addressed with this Board, and that is to come in with a plan to residential uses. So the whole plan change from industrial use type project to a project that dealt with residential uses. Those uses are consistent with the river regulations. All be it that I have to go through a permit process. So I think there clearly is a reasoning behind the Town's actions in declaring a negative declaration with regard to this instant application with regard to a chance to establish residences on site."

Joseph Sykora, Riverhead: "I understood that it was going to be changed to a recreation zone?"

Supervisor Janoski: "Yes."

Joseph Sykora: "What kind of recreation?"

Supervisor Janoski: "That's the recreation overlay which allows for residential uses."

Joseph Sykora: "But if there is going to be a recreation area there what kind of recreation area are we going to allow in there?"

Peter Danowski: "I think that the real question comes up that this is as I said the initial step. Once the zoning is place and we deal with a specific site plan and a permit process with both the DEC and the Town, we will have to come back before the Board to specifically lay out a plan. This is merely the act of setting the zoning in place. It's not a question of doing the detailed site plan yet. We've got to get through step one before we go to step two."

Supervisor Janoski: "Joe's question, if I can be more direct is: What he wants to know is are you going to open up a racetrack there? Nooooo. I'm only kidding Joe, I'm only kidding. Are you going to open up a recreation use there? He's not talking about the amenities for the people who live there. He wants to know about the recreation uses. That's his interpretation."

Peter Danowski: "As we know the famous word from the DEC project has to be river related."

Supervisor Janoski: "That's right. So that you might rent canoes, etc. Are you trying to say that all business along the river have to be related to the river."

Peter Danowski: "I don't want to comment."

Supervisor Janoski: "Okay. Is there anyone else? That being the case and without objection I declare this hearing to be closed. Let the record show the hour of 9:36 P.M. has arrived. Will the Town Clerk please read the notice of Public Hearing."

PUBLIC HEARING 8:00 P.M.

Irene J. Pendzick, Town Clerk: "I have affidavits of publishing and posting of a public notice for a Public Hearing to be held at Town Hall at 8:00 P.M. on Tuesday, July 17th, 1990 to hear all interested persons who wish to be heard regarding **THE SPECIAL PERMIT APPLICATION OF SPLISH SPLASH AT ADVENTURE ISLAND, INC. FOR THE CONSTRUCTION OF THE SEASONAL WATER SLIDE THEME PARK TO BE LOCATED BETWEEN THE LONG ISLAND EXPRESSWAY AND ROUTE 25 IN CALVERTON.**"

We have correspondence from the Suffolk County Department of Planning, dated July 12, 1990 advising their resolution is to approve the application subject to five conditions."

Supervisor Janoski: "Thank you. Mr. Smith, are you representing the applicant?"

Allen Smith, Esq.: "Mr. Supervisor and Members of the Board. There are a number of people who have been waiting patiently, some impatiently to address this particular hearing. What I would like to do is to turn the microphone over those folks, some of them are from without the area so that they can have their say and then I'll come back and give a brief summary. The people from Economic Development of the State, you also have Long Island Tourism and several of the Chambers of Commerce here."

Supervisor Janoski: "Would representatives of those agencies please identify themselves. Why don't you come forward. One at a time make your presentation."

Rupert Hopkins, Regional Director from the State Economic Development: "Supervisor Janoski and Members of the Town Board. I know you've had a long evening tonight already and I don't want to overlabor you here so I will keep my comments short and to the point."

For those of you that don't know, the Department of Economic Development's mission has been to assist companies and communities in developing strategic economic development plans. And I would like to applaud Riverhead for the actions that they've taken already in terms of commercial revitalization downtown and some of your aggressive and environmentally sound postures you've taken with your industrial zones. Most of our projects have been to get companies to look at hard investments. But also to help communities decide how it is that they can best prepare themselves for their economic growth over the coming

decade. If you look at a local economy like Riverhead's, or like Long Island's, really you have to wonder about communities that maybe depend too much on one industry. It depends on one customer, like the defense industry or perhaps on one product, like a beach. Once you lose customer confidence you can find out that you've got an industry that's shaken and not ready to respond. Tourism on Long Island is your largest employer. It's larger than defense, but every bit as fragile. And what you are doing here is looking into the future and say how can we diversify the regions economy? How can we take the opportunity to expand the visitor dollar to recapture the visitors dollars that might otherwise be spent off shore and bring in serious out of state tourism destination dollars?

This is not just a good project, it's a good strategic step in terms of looking at the long term growth of Riverhead. An opportunity to give yourselves a chance at grabbing tourism dollars in a stable fashion that are no longer tied to fragile terms of environment or economy.

I'd like to say that the State is 100% behind this project. This is exactly the sort of strategic economic development project that we encourage communities to take and encourage the Board to support it's passage. Thank you."

Richard Wilton, Greenport, Director of the Southold Chamber of Commerce: "I would like to read into the record a letter from our Board of Directors.

Supervisor Janoski and Members of the Town Board:

One of the most asked questions by tourists and the youth of the east end is "What is there to do?" Although we are not in the community of Riverhead, we, as your neighbors, do look upon this project with enthusiasm, support, and hope.

The economic impact to the east end of Long Island will go beyond the Riverhead Town Line. We need this project and others like it to enhance and support the tourist industry of which our economy is based.

The Board of Directors of the Greenport-Southold Chamber of Commerce urge the Riverhead Town Board to grant this special application permit to the applicant.

And this is signed by Richard L. Caggiano, President. I am also the president of the Eastern Long Island Camp Grounds in Greenport and I'm in the tourist industry also. I think this type of a business would compliment my business and just about every other tourist business on the East End."

Supervisor Janoski: "Did you want to submit that as part of the record.? Thank you."

Michael Davidson, President of Long Island Tourism and Convention Commission and the former Executive Director of the Montauk Chamber of Commerce and I am a resident of Easthampton: I've been around enough now to realize how important the tourism

industry is to Long Island in general but more specifically to the East End. Sitting in the chair as the Executive Director of the Montauk Chamber of Commerce I looked at what was going on in the North Fork and I was envious. The Eyes on Riverhead Campaign. The idea of a community getting behind the community to revitalize it. To say that we've got an industry here let's build up our area. Let's invite people to our Town. It's tremendous compared to what I have to deal with on the East End over in Montauk, in Easthampton, when I dealt with the Town Board on a number of issues. On the side, we have some colorful Board Meetings also so it was enjoyable sitting and watching somebody else go through it.

In terms of this project, Long Island Tourism and Convention Commission supports it totally. We know that Long Island has great natural resources, but we realize that we are lacking solely and tremendously in attractions. The idea of a water theme park to compliment the beauty of the East End to give tourists something to do on the way in to the East End and on the way home from the East End. It would not only support generally the tourism community, but also support the community of Riverhead. Because people come and enjoy this site, will stop at restaurants, will go over to the vineyards, will explore the beauty of the North Fork which has been, as some people say, one of Long Islands hidden secrets. So again we support the project. We think it will be good for the area in general for Long Island specifically. Thank you."

Gabriel Hartman, General Manager of the Inn at Medford:

"I'd like to read you a letter from Harvey Epstein, General Partner of Medford Associates, the owners of The Inn at Medford.

Dear Mr. Janoski:

As a Suffolk County property owner interested in promoting the benefits of Long Island tourism, we wholeheartedly endorse the proposed water theme park in Calverton.

The Inn at Medford caters to leisure and family travel and believes that new exciting projects of this nature will be a positive sign that Suffolk County and the Town of Riverhead want tourism to grow for the benefit of its residents and business people. Very truly yours, Harvey Epstein. Thank you."

Supervisor Janoski: "Would you make that part of the record please."

Lawrence Sperry, General Manager of the Holiday Inn: I been sitting here for five years and I've asked a couple of times, even to you Mr. Janoski, what I can do to help build economic development out here. This is a great thing. I come here because I am high and dry at the hotel and we really desperately need it. I can't see a cleaner industry than a water park. I highly support it and I hope that you will too."

Joseph Gergela, Executive Secretary of Long Island Farm Bureau: "I am representing the Riverhead Local Affairs Committee of the Long Island Farm Bureau this evening. As you know Farm Bureau as an organization believes that property rights are paramount among the rights essential to the preservation of individual's freedom. Therefore, we support the applicants right to use his property for this purpose provided the applicant is in compliance with all local laws and ordinances. We support this project for the following reasons:

1. **Positive Tax Base:** Riverhead cannot afford to discourage commercial development of this type when all towns are competing for tax dollars in the same market. To deny a project of this quality would send a message to the public that development of any type is not welcome in Riverhead. This project will generate a positive tax base and receive very little return in the form of services.

2. The project is compatible with the area in terms of zoning and environmental integrity and does not pose any threat to the environment.

3. This facility will provide employment for up to 15 full time positions and 150 part time positions.

4. This facility will provide an additional destination for tourists. Wineries, farmstands, and beaches are the most visited destinations on the east end. This project will fill the void by providing a location for family entertainment as a recreational facility.

5. When visitors come to this facility, we feel it is safe to assume that Riverhead merchants and businesses will benefit from the multiplier effect, enhancing our local economy.

Farm Bureau's Local Affairs Committee urges the Riverhead Town Board to approve the applicants special permit application based upon the merits of his proposal. Riverhead cannot afford to have an opportunity for clean, commercial development of this quality slip through their fingers. Thank you for your attention."

Kenny Lohr, Suffolk Cement Products: "I'm here to back this as a resident of the East End rather than from the standpoint of Suffolk Cement. It does mean business to me, but it is a one shot deal. I think this is the greatest thing to happen. Something is finally coming to Long Island for the kids. There is nothing here for our children or for our families or for anything to do. I think it would just be great to have something here for our children. Maybe it will help the children."

Joseph Ingegno, Riverhead: "I've been a resident of Riverhead for 18 years. And in those 18 years, my wife and I have shared several youth groups between the church, the Rotary Club and interact clubs and just in the Baiting Hollow Church, we plan probably six youth activities a year. And every one of them we have to do off Long Island because there are no attractions on Long Island. We go to Action Park, we go to Great Adventure, we go skiing in the Catskills. A Park like this in our community, instead of us putting 40 kids on a bus and spending our money in

Pennsylvania or Upstate New York, we could spend it in Calverton.

The second thing is I am thrilled that an industry, a clean industry, is going to come to this Town and help me pay my taxes without putting any kids in my school. Thank you."

Jack VanderWetering, Calverton: "I took a trip about five or six years ago with my family across country camping in different areas. One of the nicest things that we did was look for a place to go as a family and enjoy ourselves. I'm not talking about just for the kids, but I wanted to enjoy it. We went to places like Splish Splash. We were in Florida, down in the Rockies and camping in other areas. It was just a beautiful thing to do. You can't get hurt. There is no pushing around because they have it all figured out. There is no noise level. The theme park is just fabulous. Like Joe was just saying, instead of us taking kids off the Island, find a place to go and take them to, if you can do it right here locally, it will be much better. And of course we are going to get the advantage of the tax base and it doesn't put any kids in school. You can't go wrong. Thank you."

Carol Kemperman, Calverton, Restaurant Owner, Village Crossroads: "I would like to say that I think it's a great idea. It would keep our kids off the street. Everyone always complains they are hanging around. It would be a great place for them to go plus it will be good employment and bring our college students home for the summer. Because I'm sure that's where a lot of them will work, where now they don't come home because there are no jobs for them in Town or very few. And I think the tax base would be great too. Thank you."

George Schmelzer, Calverton: "What everyone has said is really on the ball and it's what the Town should have. There is nothing wrong at all. It's perfect."

William Hainamach, Riverhead Business Owner: I think it would be great to have a place where a family could go and enjoy themselves that is local. You can't always get away for a weekend or even a day."

Patrick Hammer, East Moriches: "I hear everybody expressing about families. My wife and I have no children, but we also have nothing to do on Long Island either. We can't necessarily afford to go out to Montauk on weekends or visit the Hamptons and I do have a lot of family that likes to come out from the city and there is absolutely nothing for us to do sometimes. I think something like this would be great and we could really enjoy it not only as a family, but as young working couples that don't have children. It would just be something for everybody. Thank you."

Anne Hattorff, Riverhead: "I would just like to say that I've seen their presentation and I was extremely impressed with it. I think it's a great idea. It's something to do. It brings

industry to Long Island. And I would hope that when it's constructed that they would shop Riverhead, because we could certainly use it. What I'm really thinking about is the employing of 150 to 200 employees that they need for the season. The 15 full-time positions that they need for the winter and I just think it is super and I hope that this Town Board would agree with everyone that has spoken. Thank you."

Warren McKnight, Wading River: "When I first heard Mr. Smith speak about this on the radio there were approximately 30 some odd people that would be employed year round and approximately 300 people employed during the summer. Correct me if I am wrong, Allen, but now I heard it's down to 200 to 150 and down to 15 year round people."

Supervisor Janoski: "The original presentation to the Town Board was a number of around 200 summertime jobs."

Warren McKnight: "In other words when he first-----"

Supervisor Janoski: "I've never heard the number 300."

Warren McKnight: "Yes, on the radio. I said on the radio. In any case I just hope that it is good for the economy and we like to see things be successful in Riverhead. Like I said I was hoping when I heard 30 and then 300 initially on the radio and tonight I heard 200 and 150 and 15. I just hope it's ---like I said we need jobs in Riverhead and I was a little bit disappointed."

Supervisor Janoski: "But basically you support the proposal?"

Warren McKnight: "I just hope that there is a commitment made. In other words, I hope there is good enough financial backing and I hope it's run right. All positive. Adventure Land when I go over there on Route 110, he seems to have a sign there don't drink and drive and stuff like that. It seems to be a positive family place there. I just hope so as far as that goes."

Steve Haizlip, Calverton: "This thing sets on 27 acres?"

Supervisor Janoski: "Yes."

Steve Haizlip: "Okay. Now what is concerning me is; if we are going to have 150 part-time people in the summer and then the influx of all the people coming out here in cars if this catches on. Because if you remember, this is a SEQRA Hearing and I was going to address the fact that the Survival Company and Splish Splash were going to coexist. But then when you told me that Survival was going out, then I thought, okay now I have the full idea of what is going on here. When all these people start coming, I hope it is not going to be like a good restaurant where you have to stand in line. It sounds like this is really going

to go. Everybody is for it here. I don't mind either.

The only person in the room tonight is Mr. Yakaboski, as a matter of fact, the two Yakaboski's that live on that road and who that road was provided for. Because now, this will create a lot of traffic in and out all day long by their houses and the road was put there, for their houses exclusively, when Route 58 and 25 all merged in there. I would like to recommend and see if the State maybe could provide another spur or access or something in and out to that place to help those people out a little bit. Thank you."

William Rauscher, Mattituck: "I believe that this project is set in the most perfect spot on the East End of Long Island. Because it is only going to help prosper every business and help the economy on the whole East End, not just Riverhead, but it is going to go further on. Thank you."

William Kasperovich, Wading River: "It becomes difficult in life to realize that you are getting to be an old man. When the thoughts come into my head about the different projects and the different affairs that attract or attracted large groups of people, it comes to my mind almost the exact words spoken to the Town Board when they were promoting the racetrack. The Town was so hungry to get some kind of public activity that they didn't cover all bases and they didn't look far into the future. Now that might be a poor example, but here in Riverhead we don't have too many situations where we attract large numbers of the public and especially in automobiles. So I felt I would come up here and put out a word of caution. We have not the background or experience in this sort of enterprise. If we are going to need 5 or 6 round the clock added men to the police force it's not going to help our tax base. It is not pleasant for me to be here as a wet blanket. The fact that everybody got up here and said how wonderful this is. It has a great many good aspects, but it is still a commercial enterprise and it will bring the public in large numbers which we have no history of what we have to anticipate in Riverhead. Thank you."

Supervisor Janoski: "Thank you. I would just like to say that the Riverhead Raceway started in 1951 or so. At a time preceding zoning in the community and therefore special permits and any activity by any Town Board to attract them to the Town of Riverhead or to give them permission to do so."

William Kasperovich: "Well this is very true with my own home. And look at the mess you got us in at my house."

Supervisor Janoski; "I didn't build your home. Is there anyone else wishing to address the Board?"

Allen Smith, Esq.: "I would simply ask Mr. Janoski, that you would include in the record of this evenings hearing the FEIS and all the other matters that have gone before this hearing date including the recommendation of the County and the other matters that were discussed earlier. Thank you very much."

Supervisor Janoski: "Thank you Allen. Any final words from anybody? That being the case and without objection, I declare the hearing to be closed at 10:04 P.M. Let the record show that the hour of 10:06 P.M. has arrived and the Town Clerk will please read the notice of public hearing."

PUBLIC HEARING 8:15 P.M. .

Town Clerk Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at 8:10 on Tuesday, July 17, 1990 to hear all interested persons who wish to be heard regarding a proposed amendment to SECTION 101-10 OF THE TOWN CODE ENTITLED "PARKING PROHIBITED"

Supervisor Janoski: "It is self explanatory in that we are prohibiting parking on West Main Street in the area of the bus stop. Does anyone wish to address the Town Board on that matter?"

Alice Graff, Riverhead: "May I ask why and where will the new situation be?"

Supervisor Janoski: "What we did Alice, very briefly, is we took the bus stop and we moved it back westward. Moving it away from the building and the liquor store that is there. Moving it backward away from there on Main Street, west of Peconic Avenue. Where the bus stop is on Main Street."

Alice Graff: "So you are just moving it west."

Supervisor Janoski: "Well this is involved in the next public hearing and I misspoke really. There is no parking along that whole area from Peconic Avenue to and including the bus stop."

Alice Graff: "So the bus stop will be opposite Griffing Hardware? Is that the area you are talking about?"

Supervisor Janoski: "More opposite the Entertainment Emporium. But in that general area."

Alice Graff: "When the weather is bad, at least with the other area there was an overhang and the people could get some protection."

Supervisor Janoski: "Part of the idea is not to have people is not to provide protection for people who stand there. The Suffolk County Transportation Authority, the S. C. Department of Public Works, S. C. Department of Transportation which is in that department has indicated that they would like to provide a bus stop shelter in that area of the comfort station for people who are waiting for the bus."

Alice Graff: "You mean build something in that Grangebél Park area?"

Supervisor Janoski: "Well, more adjacent to the rest station, like part of that."

Alice Graff: "I don't know. It just doesn't seem practical."

Supervisor Janoski: "Practicality has a great deal to do with this and Alice there are certain motivations here, which I think you understand. This is the recommendation of the business community. This is something that the business community wanted done."

Alice Graff: "I can understand that too. Thank you."

William Kasperovich, Wading River: "I used the bus from Wading River to this particular location for two years. I'm well aware of the need to have weather protection. In the winter when it's raining, the buses do not keep a particularly good schedule. It's as good as can be expected. It gets better every year. Still you have to stay there a long time. You look around at the people that do use it, their not muscular able bodied men. They are older people; they are people that are not well and they have reason to come into Riverhead. So the shelter is very important. Before any changes are made, any promise from the bus company or any bus agency or commission, I wouldn't particularly put good faith in. I wouldn't believe them. I'd move it after it's done. Also, what some people call shelters are pretty sad. Now you take New York City. Large pieces of glass, large pieces of clear plastic aesthetically good looking. Even have a \$10,000.00 reward for anybody doing damage to it. It doesn't do the trick for weather protection. So people can spend a lot of money, but not accomplish what is there right now."

Supervisor Janoski: "What is there right now is not public property. It happens to be the private property of individuals who don't want people waiting and hanging around there."

William Kasperovich: "When we had the police force across the street the same people hung around there. So let's not bandy words about the types of people. In the two years I was there people were dealing in all kinds of material and the police house was across the street and wouldn't do a d--n thing."

Supervisor Janoski: "Mr. Kasperovich, please make your point."

William Kasperovich: "My point is that you are not considering the public and this is typical of the Town Board, barring Mr. Lombardi who seems to have a heart for the people."

Steve Haizlip, Calverton: "What I want to suggest here Joe is and the other Board Members. Back in 1948 and '49 I drove for the Hempstead Bus Corporation. I did. And I was also a heavy equipment operator for the United States Army, so that is where I

got the experience. Bus stops on Main Street and usually at intersections are not accepted. Because the traffic on the road is terrible. They tried to beat me around the corner, hit my bus, try to pass me and hit the bus. So I was up before the Board of the Insurance Review Officer so many times that I told him that I think you have to control the public and not me. I try to do my job, but people are running into me. We just can't wait a minute. My recommendation is that we should move, not up to the train station, that's too far for people to walk. You want to revitalize the downtown. So let's move into a parking lot behind the stores downtown and get these people off the street. That's my recommendation."

Supervisor Janoski: "Thank you Steve. Joe, before we start could we open up the hearing on the bus stop because people seem to be talking about that anyhow. Why don't we open that hearing and let the two of them run concurrently in that they are---"

Joe Sykora: "That's what I was going to talk about, the bus stop."

Supervisor Janoski: "Let us open that hearing also and then you can say what you want to say."

Joe Sykora, Riverhead: "I'd like to see that bus stop in the parking lot. Get it off Main Street altogether. We spoke about this about two years ago about putting it in the parking lot. That's where I would like to see it. It would even be better for the people in the long run to get into the stores."

Councilman Stark: "I happen to totally agree with him."

Steve Haizlip: "An added comment to the previous statement. When the bus station was built in Mineola and Hempstead and it was taken off the street, there was never any problem. The people were happy, they didn't have to be rushed and they had somewhere to sit and take it easy until the bus came."

Supervisor Janoski: "Thank you. Is there anyone else present wishing to speak about the no parking or the bus stop. That being the case we will close both hearings at 10:16 P.M. Now we come to the public hearing scheduled for 8:25 P.M. Let the record show that it is not 10:17 P.M. and the Town Clerk will please read the notice of public hearing."

PUBLIC HEARING 8:25 P.M.

Town Clerk, Irene J. Pendzick: I have affidavits of publishing and posting for a public notice for a public hearing to be held at the Town Hall at 8:25 P.M. on Tuesday, July 17, 1990 to hear anyone who wishes to be heard regarding the CHANGE OF ZONE APPLICATION OF M. H. OF LONG ISLAND FROM INDUSTRIAL "A" AND RESIDENCE "B" TO RC RETIREMENT COMMUNITY."

Allen Smith, Esq. as Attorney for M.H. of L.I.: The principal of the firm, Mr. Kevin Dunleavy is present, as is the architect for this particular project Mr. Feldman. In an effort to keep it short and simple I will analogize the hearing to that which Mr. Janoski conducted earlier on behalf of Mr. Warner. Although the State Environmental Quality Review Act suggests or compels that an applicant conceptually put forth what is proposed. Such that the environmental impacts of what may be built on a particular location can be analyzed. What is before the Board this evening is the change of zone application for an overlay of the Retirement Community Use District on this particular piece of property. If the application were reviewed favorably by the Board, and the use classification were applied to this particular piece of property, we would continue on with the special permit application for the particular use and both the design, layout, site plan and all of the issues attended to the building of the particular retirement community of this particular site would be addressed. The question before the Board this evening is rather simply put as to whether not a retirement use, a retirement community, if you will, is appropriate for this site. And rather than ticking off all the matters that will be addressed in the environmental impact statement and the response to comments, I would simply point out that it is somewhat easy to focus on a retirement community at this particular location, if you consider that in fact it has a retirement community next door. In fact, it is a retirement community of a similar density. And if you look next door at the Thurms Park you will note that it works. That this is not an affordable project. This is a project for retirees similar to those that are currently living in Thurms Mobile Home Park. These would be people who would own their own properties. Would maintain them and would have an equity investment in them, etc. So the global question is whether or not it is appropriate in this location and I submit to you that the existence and the thriving existence of the park along side demonstrates that such a use at this location will work.

That having been said the question is do we design the thing consistent with some of the parameters that are called out in the various laws and acts that would apply at this particular location. What is represented in the site plan indicates to you that in fact the historic corridor of the Sound Avenue can be preserved by setting back the entire use away from the road and making the motif, although I don't have the front elevations, "barn like" I guess, is how to describe it and to keep that particular ambiance, if you will, back from the road and making this open space, farm land, however you wish to characterize it.

I suppose the other item that is not self evident would be that there is ample space on the site for an on site sewage treatment system which would be built in the southern quadrant, if you will, of the particular site.

There will be many issues addressed on the detail of the project assuming that the Board were to view the retirement overlay as appropriate at this particular location. I would again as I did previously ask that all the proceedings, the FEIS, that have proceeded this particular matter be included in this

hearing. I would make this additional observation. I would ask in that we do not have the Suffolk County Planning recommendation back on this project that you keep your public hearing open and adjourn from time to time until such time as we do in fact receive the recommendation of Suffolk County Planning on the change of zone application. Thank you."

Supervisor Janoski: "Is there any ----- yes, Rob."

Rob Goldman, NFEC: "The NFEC request that the Town Board deny M. H. of L. I.'s petition for a change of zone from Residence B and Industrial A to Retirement Community. Section 108-116 of the Riverhead Town Code states and I quote: 'It is the purpose of this article to implement the recommendations of the Master Plan to permit the construction of high density living accommodations and attendant services within the hamlet area. This use district designation is to be applied to lands where senior citizen housing and services would be appropriate.' Even a cursory look at the Town Zoning Map shows that Wildwood Village is far outside the hamlet area. Senior Citizen services are simply not available in the area of the proposed project. A particular concern is the lack of transportation for the site. There isn't any. Shopping areas in Riverhead are five to six miles from the project site and those in Wading River are three miles away. These distances are also potentially dangerous in regards to police and ambulance response times. There is no hard evidence to support the need for a massive senior citizen project as would result from the granting of this request for a change of zone. The DEIS prepared for Wildwood Village merely states that 'within the last five years there have been three applications placed before the Town Board for special permits to expand mobile home parks.' Since mobile home parks are typically for senior citizens these applications for expansion imply there is a need for senior citizen housing. No data, just imply. The change of zone would allow for the generation of unacceptable levels of traffic on Sound Avenue, Hulse Landing Road, and Fresh Pond Avenue. The change of zone would result in the loss of 40 acres of prime agricultural land. The change of zone would result in the great increase in the dollar value of the land, which I believe this is basically what it's all about. This would increase the difficulty and cost in preserving the property for agricultural use through the county, the state, the town or private initiatives. This request for a change of zone should be denied."

Supervisor Janoski: "Thank you. Is there anyone else present wishing to address the Board?"

Warren McKnight: "I ask the Town Board to apply the concept of "polity" meaning make sure the Town has a good cross section of people in it. Not a over amount of senior citizens, not an under amount, but in other words to provide a good balance of people of various types of income, various types of employment, retired and so on. I'm not saying that I am for or against it,

but is this in proportion. Right now there are----- How many approximately 5000 senior citizens in Riverhead?"

Supervisor Janoski: "The population is above 25% of those 60 and over."

Warren McKnight: "Basically what I'm saying is that I'm not against it, but it is a logical assumption that a good community has a cross section of people. So I ask the Town Board to keep that in mind. A good society has a good solid middle class and has various peoples of ages and a cross section of society. There are only so many people that can move into Riverhead with your Master Plan and I ask the people to keep that in mind."

Supervisor Janoski: "If you look at this project, recognize that it pays taxes, recognize that it is quality construction. Probably reasonably good taxes are going to be paid on it. Those taxes are going to pay for the education of children in the community. Because obviously in this retirement community no children are going to come out of this project. So there is that balance. These people who live here are going to subsidize the education of young families with children. That is one view of it and I think it speaks to what you are talking about."

Warren McKnight: "There are only so many hours in a week for me to do homework on something like this. I'm asking you to all look at yourselves, do some soul searching and make the right choices. That is what I'm saying."

Supervisor Janoski: "We always think that we made the right choices. You may not always believe that, but we do."

Joe Sykora, Riverhead: "Is this going to be a 55 year and older development?"

Supervisor Janoski: "That is the requirement. Yes."

Joe Sykora: "Then we are going to follow the federal law on it? Right?"

Supervisor Janoski: "What is the federal law?"

Joe Sykora: "The federal law states that a 55 year old community is supposed to have recreational areas for the people, it's supposed to have transportation for the people, supposed to have ramps for the older people to make sure they can get in and out and that is what the federal law states for 55 year old and older. There are no more senior parks or senior citizen condominiums. It's 55 year old and older according to federal law now."

Supervisor Janoski: "Is there anyone else wishing to address the Board? Let me query the Members of the Board. Allen asked that we not close this that we adjourn it. Okay we will

adjourn it until all the information is complete and at that time it will be closed. Thank you Allen. Let the record show that it is 10:29 P.M. and Mr. Peter Danowski is going to come back again and he is going to speak about Water District property at Pulaski Street for a telephone antenna."

Peter Danowski, Esq.: "Let's see how short we can be. We had a public hearing regarding the County Road 58 Water Tower Site to enable the Cellular Telephone Company to install some antennas to improve service for their company and to benefit the Town was they were supplying not only better service but \$24,000.00 per year plus the cost of living increase per year with an initial term of 15 years through two five year renewal periods. We found out after we authorized that lease that the Town could not give us access to the site over the private right of way that they had, because there was apparently no right to assign a right over the right of way that they have. To go through condemnation proceeding would take too long to vest title and we are in the process of improving the site already. We then reexamined the second site on Pulaski Street and we are willing to enter into a similar lease agreement and it has been revised and it has been reviewed, in part by Mr. Ehlers, on behalf of the Town. We are asking the Town Board to perhaps authorize the Supervisor tonight to execute a new lease with regard to the site on Pulaski Street. Certainly Mr. Ehlers can communicate to the Town Board or to the Supervisor the fact that he has reviewed any potential changes to the lease. Thank you."

Supervisor Janoski: "Is there anyone present wishing to address the Board on the matter of this idea? That being the case and without objection I declare the hearing to be closed. Let the record show that the hour of 10:31 P.M. has arrived and will the Town Clerk will please read the notice of Public Hearing."

PUBLIC HEARING 8:40 P.M.

Town Clerk, Irene J. Pendzick: "I have affidavits of publishing and posting of a public notice for a public hearing to be held in the Riverhead Town Hall at 8:40 on July 17, 1990 to hear all interested persons who wish to be heard regarding the PROPOSED AMENDMENTS TO VARIOUS SECTIONS OF THE TOWN CODE."

Joseph Janoski: "Let me simply say that in the creation of zoning in the Town of Riverhead in 1965 that for whatever reasons the creators of the zoning code allowed daycare centers in Residence C Zoned Areas and only in Residence C Zoned Areas, which is one half acre zoning residential. The world has turned over quite a few times since then and the need for daycare is certainly more prevalent now than it ever was. What we have put before the public today is the inclusion of daycare, the allowed use of daycare centers, in the zoning categories of the Town. And from the input in our own discussions and investigation with the Planning Department we will then try to make decisions as to what zoning categories should include the provision for daycare

center. Mr. Spiess you are here to speak on this particular proposal."

James Spiess, Esq. "Mr. Supervisor and Members of the Board I would like to, on the behalf of my client, to thank the Board for it's efforts in this and indicate our support. As you know and as we discussed at a recent work session I represent Mr. John Pirro who is the President of First Imprints, Inc. Mr. Pirro would like to put a daycare center up in Business "C" on Harrison Avenue in the old Honda Building. Unfortunately under the present zoning it would seem that the only way that it is going to be accomplished is by an amendment to the code in the nature of a special permit procedure. I think that there can be no dispute that there is a real need for a daycare center in the Town. I find it difficult to believe that the drafters of the code intended to restrict that use just to Residence "C". And I think that the proposed amendment would benefit the Town as its residents. I would like to once again indicate our support and thank the Board for this consideration."

Supervisor Janoski: "Our approach to this has been by special permit. Is that correct?"

No answer was audible.

Supervisor Janoski: "My personal view is that each application should be weighed on its merits with a special permit proceeding. I don't think that you can out of hand say that there is or should not be an industrial zoned area. Because I can envision an industrial park that has a daycare center as part of the complex. Also I can envision a community with a daycare center planned into it. So residential seems to be, perhaps an appropriate area also. But I think the special permit provision which allows the Town Board and the Planning Board to review an application and make a decision on each individual application based on the merits and the need is the appropriate way to go. And I was wondering what your comments are on that."

James Spiess, Esq. "I think as it stands now to restrict to Residence "C" is totally unrealistic. My clients piece of property is located within Business "C". I think there are some areas in Business "C" that the Town would not want to see a daycare center. I would agree with the Board. The special permit is the proper procedure."

Warren McKnight, representing BOCES I: "I was informed by BOCES I, Sharon Fagen, that there will be new requirement for public assistance people who are single parents. Once there children reach the age of three in order for these people to continue to collect public assistance they will have to take some sort of training offered by BOCES for free. We will provide training for them. Plus with the training goes public assistance pays for daycare. So children will need daycare. They anticipate that if this is enforced, that there will be a greater demand for

daycare centers. BOCES only has a limited capacity for daycare centers at the present time. This is what I wanted to inform the Board about."

Supervisor Janoski: "The training that you are talking about is training to successfully acquire a job?"

Warren McKnight: "Yes. Job skills, job counseling, high school equivalency diploma, computer literacy. And with this they will be paid for child care. Social services will give them money for child care and help try to find them child care when they are taking these courses. If there are any further questions, I'll give my card to Mrs. Pendzick."

Supervisor Janoski: "Is there anyone else wishing to address the Town Board?"

Steve Haizlip: "Mr. Janoski and Board Members. There is a need for daycare centers for our kids and for working mothers that would like to work. Right now I happen to know of a family where there are four children. During the winter the children go to school, but it's a short day that they go to school. So they have to come back somewhere until the mother and father get home. You may be bickering where to put it or where you would like to have it, but there is a need for it and I would like to see it go forward."

Supervisor Janoski: "Thank you Steve."

George Schmelzer: "Also it might be a good use to have an all wetlands being used for daycare centers. You can't be against kids so the DEC will probably allow it."

Supervisor Janoski: "Is there anyone else wishing to address the Board, that being the case and without objection I declare the hearing to be closed. Mr. Spiess thank you very much. I would say that we will probably acting on this at the next Town Board Meeting. We have a grand total of nine resolutions which we are going to work our way through and the possibility of one from the floor addressing the question of the rental of space on our water tower in as much as the Town Board already approved such an arrangement with the other water tower. I see no reason to delay that consideration. So let's do them."

RESOLUTIONS #493 through #503 in Resolution Book 1990

Supervisor Janoski: "Recognize Councilman Stark for the purpose of making a motion."

Councilman James Stark: "I would like to bring a resolution off the floor to lease Water District property at Pulaski Street for the telephone antenna for Metro I. So moved."

Councilman Vic Prusinowski: "Seconded."

THE VOTE: Prusinowski, yes; Stark, yes; Civiletti, yes; Lombardi, yes; Janoski, yes. 5 YES

Bob Keller, Aqueboque: "I'm curious to know if all the Board Members are aware that Mr. Pafundi, the owner of Dreamers Cove Motel, has today started dredging operations in preparation for installing the mooring, docks, that he does not have a Town permit for."

Supervisor Janoski: "He in fact does have all the permits for the dredging that he needs."

Bob Keller: "Is it your position that he is only going to dredge the creek?"

Supervisor Janoski: "What he is going to do next I wouldn't predict, but I do have a letter from his attorney indicating that their position is that they have everything they need to build the docks. But right now they are doing dredging as we did send some people down to investigate, which they have all the proper permits for. As to whether he can build the docks is a question of debate. The Conservation Advisory Council in the Town of Riverhead takes the position that a study should be done concerning the impact of docks and boating on the waterways. Mr. Pafundi's attorney takes the position that it is a preexisting use and that he has everything he needs. I have a strange feeling that this question will be answered by a higher authority."

Bob Keller: "I understand that the Town Attorney has written a letter to Mr. Angel advising him of the fact that a Town permit is required. On the assumption that he certainly would not be dredging the creek unless he planned to put in the docks, is there anything the Town Board can do or will do at this time to stop any movement beyond the dredging permit?"

Supervisor Janoski: "The Board has not, this is an event that has taken contrary notice to my notice, anyhow today. The Board has not discussed this. I cannot speak for the Board, but I would imagine that the Board would want to make sure that Mr. Pufandi is proceeding in accordance with the law of the Town. Provisions of the law. And how we come to that conclusion and what action we take we will discuss and make those determinations. I would ask you to rest assured that we are going to make sure that everything is done correctly. And as I say, the CAC takes a certain position. My personal position is that we should move to the end degree to make sure that he is in compliance. We haven't discussed this, I have letters from his attorney and I've read them. I read our correspondence and as I say I don't think that this is going to be resolved amongst the Members to this Town Board. I think it is going to be resolved someplace else."

Bob Keller: "We had some difficulty today making contact with some of the Board Members. The only one we were able to

speak to actually was Mr. Lombardi. In the event that this moorings, docks and what have you were to occur on a weekend, because it could be done very quickly. In fact I suspect it may be designed that way. That the dredging may be done by Friday and the docks and moorings in on Saturday and Sunday. How would we make you aware that this was happening at that time? And what actions could you take?"

Town Attorney, Patricia Moore: "We are being perspective here in as far as what he is planning to do. We don't know for a fact that he is going to build those docks. Maybe he will come to his senses and find that he has to come into the Town as we suggested. If he chooses not to do it, then we have the criminal process and we can issue violation notices and bring him into Justice Court. We can pursue that avenue and fine him for a violation of the code. So there are avenues that we can take, if he chooses to disregard the Town Code."

Bob Keller: "If that were to happen would it be required that the construction that took place be removed forthwith or removed period?"

Town Attorney, Patricia Moore: "That's a possibility."

Steve Leoniak, President of the Aquebogue Community Association: "What authority would we call to have a stop put on this work if it was started? Whom would we contact? Specifically."

Town Attorney, Patricia Moore: "We have a Code Enforcement Officer, but we generally try to avoid having him go out on weekends with overtime because (the rest was inaudible - to many people talking at once) You can contact the Police Department and they will call the Code Enforcement Officer."

Councilman James Stark: "Are talking about strictly on weekends?"

Steve Leoniak: "Yes, or during the week or whenever."

Town Attorney, Patricia Moore: "During the week Code Enforcement."

Steve Leoniak: "But on the weekends it would be---"

Town Attorney, Patricia Moore: "Contact the Police Department and they would notify-----"

Steve Leoniak: "And notify them that this person is in violation of-----"

Supervisor Janoski: "Quite frankly sir, for anybody to go out on a weekend they have to get authorization from me. I don't know that somebody doing something on a Saturday or Sunday is

going to warrant that we rush right out there and put a Stop Work Order up. When this problem arose today, I directed the issuance of a Stop Work Order. Well nothing was being built so the direction was not necessary. He is dredging. He has got the permits to dredge. The Town Government will act in accordance with the law and we will take all steps necessary to bring Mr. Pafundi into compliance with the law. It is not to say that Mr. Pafundi may not get permission to build docks. But we will make sure that he is doing it right and that he is in compliance with the provisions of the Town Code which includes the CAC."

Steve Leoniak: "We were just asking about whom would we contact?"

Supervisor Janoski: "Well obviously you did a good job today because bing, bing first thing in the morning my fax machine was working with all sorts of correspondence. So you seem to know what you are doing. We have a number which is generally known in the Town 727-3200. You can ask for anybody. Believe me no matter where I am people can reach me."

Councilman Prusinowski: "Jim and I were called at our place of business. Rob Goldman called us. I spoke to Jim by that time. The word had gone out and the Building Department went down to survey the situation so really within minutes of those phone calls action was taken."

Town Attorney, Patricia Moore: "Certainly if you observe something you can all on Monday and based on an affidavit by any one of you that has seen it will bring in a complaint."

Councilman Vic Prusinowski: "There are boats in that creek right now."

Supervisor Janoski: "I assume and I should not do this, that you do not want the docks built at all. And if that is your purpose, then I wish you well in your endeavor. Our purpose in being a government is to insure that Mr. Pufandi is in compliance with the law period. And we will do that. Believe me. Because as I said when I heard that he was building docks this morning, I immediately issued a direction for a stop work order. I did it for no purpose because he wasn't building anything. I was told that he was building docks. I reviewed all the correspondence and in my opinion he needed to comply with the CAC requirement."

Steve Leoniak: "Are there requirement for him to receive permits to remove the spoils of the dredging?"

Supervisor Janoski: "From the DEC. The DEC has authority over the dredging and where the spoils should go. In fact they outlined that very carefully where the dredging spoils should go."

Steve Leoniak: "Currently, right now, he is storing them on his property."

Supervisor Janoski: "The DEC Permit is public record and certainly I'm sure Mr. Rob Goldman, knows very well how to go about looking at what is on the permit and where the spoils should go."

Steve Leoniak: "If I could just add one point. I am not unequivocally, absolutely against dockage of boats. I agree with your position. He should comply with the regulation and the law. Since Cases Creek is now a critical environmental area he should at least provide an EIS for it."

Supervisor Janoski: "I'm not disagreeing with that. As a matter of fact I agree with you."

Steve Leoniak: "In fact that is the process that he should be going through, but he is totally ignoring it apparently. Some of you are businessmen and you certainly are not going to dredge a creek if you don't see a light at the end of a tunnel."

Supervisor Janoski: "Absolutely. Some people might say that you don't buy a rifle without having the commission of firing one. We can't do anything about it until you shot somebody and that's the case here."

Councilman Vic Prusinowski: "That's the presenting problem. If he pulls the trigger Saturday morning when nobody can get through on 727-3200 who----How do we get in touch with you on Saturday, Joe. That's the question?"

Supervisor Janoski: "I don't know. I don't know what I would do on Saturday. I don't see the two days as critical in the construction of docks. I mean this is not something that is going to go up over a weekend."

Steve Leoniak: "It sure could. It sure could." (too many people speaking at once - inaudible)

Supervisor Janoski: "Alright, this is not a free for all. If you want to have the microphone I'll let you have it."

Steve Leoniak: "That's the presenting problem. I would say that by design that he's got two weeks left on the permit. Obviously he is going to try to do it as quickly as possible."

Supervisor Janoski: "If he is wrong then he will have to remove whatever he has put in place. That what happens and he does take that risk and I will tomorrow make sure that he understands that if he proceeds with this he stands the risk of spending a lot of money for naught."

Steve Leoniak: "Is that stop work order for today or does that stop work order have a lifetime?"

Supervisor Janoski: "The problem is that I directed a stop work order on construction that wasn't taking place. But who is going to issue it on a weekend?"

Steve Leoniak: "Who has it in whose pocket and is it still valid on Saturday or Sunday?"

Supervisor Janoski: "We have a policy that nobody works any overtime unless I sign for it and the chances of me signing for four hours of overtime on Saturday to issue a stop work order on this project---- I don't know where would Mr. Seng get in touch with me is the question you are asking? Actually it would be his Department Head that would have to make the request for overtime. But we will deal with it. I'll talk with them as to how they want to proceed on this, the Building Department and the Town Attorney and we will see what we can work out."

Steve Leoniak: "We will check in with you later on in the day about it."

Supervisor Janoski: "Yes. Tomorrow is Wednesday. Well we will be right here as a matter of fact. We have a hearing at 2 o'clock in the afternoon and we have a hearing at 7 and we have a parade in Jamesport at 7 also."

Mrs. Schulman, Aqueboque: "I don't know if you know what type of a man you are dealing with. This man today to do his dredging, went across private property, tore a fence down and tore a tree down without permission."

Supervisor Janoski: "Well I expect that you are taking some type of action."

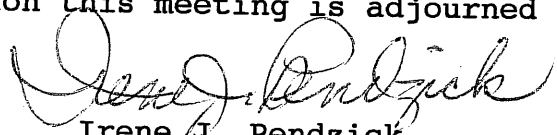
Mrs. Schulman: "Yes. We are trying to take action on that. The man has been informed and he is trying to get in touch with Mr. Pafundi. This is the type of man and that is why we are worried about he is going to work."

Supervisor Janoski: "I can't say that you're wrong in worrying. And I've known Mr. Pafundi for a number of years."

Mrs. Schulman: "And the trouble he gets into."

Supervisor Janoski: "Very often. Anything else. We will see what we can work out. Maybe we can make an arrangement with the Police Department to keep an eye on it. Who knows? We will work something out. Without objection this meeting is adjourned at 10:56 P.M."

IJP:ch


Irene J. Pendzick
Town Clerk